

EXHIBIT A

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 1

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ELIZABETH HORTON,

Plaintiff,

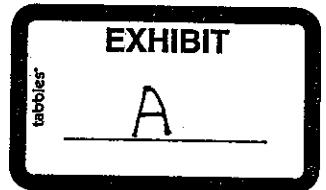
vs. CIVIL ACTION NO.
2:06-cv-526-MHT-TFM

DON WILLIAMS, individually
and in his capacity as the
Manager of National Seating
and Mobility, Inc., NATIONAL
SEATING AND MOBILITY, INC.,
GERALD SHOCKLEY, individually
and in his capacity as
special agent of the Alabama
Attorney General's Office,

Defendants.

* * * * *

DEPOSITION OF ELIZABETH HORTON,
taken pursuant to notice and stipulation
on behalf of the Defendants, in the
offices of Bradley, Arant, Rose & White,
401 Adams Avenue, Suite 780, Montgomery,
Alabama, before Nicole Paultk, Certified
Shorthand Reporter and Notary Public in
and for the State of Alabama at Large, on
November 20, 2007, commencing at 9:05 a.m.



MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

	Page 2	Page 4
1 APPEARANCES		
2		
3 FOR THE PLAINTIFF:		
4 Deborah M. Nickson, Esquire	1 By Mr. Walker	287
5 Attorney at Law	2 By Mr. Wallace	329
6 2820 Fairlane Drive, Suite A-10	3 By Mr. Stewart	345
7 Montgomery, Alabama 36116	4 By Mr. Walker	355
8 FOR THE DEFENDANTS:	5 Defendant's Exhibits	Page
9	6 1 - Letter to Ms. Horton from	185
10 Charles A. Stewart, III, Esquire	7 Ms. Turpen, dated 6/13/06	
11 Bradley, Arant, Rose & White, LLP	8 2 - Notice of Deposition Duces	222
12 Alabama Center for Commerce	9 Tecum	
13 401 Adams Avenue, Suite 780	10 3 - Letter to Ms. Horton from	290
14 Montgomery, Alabama 36104	11 Mr. Chase, dated 3/22/06	
15 Dorman Walker, Esquire	12 4 - National Seating & Mobility	340
16 Balch & Bingham, LLP	13 Recipient Chart	
17 2 Dexter Avenue	14 5 - Ms. Horton's Employment	346
18 Montgomery, Alabama 36104	15 Application for Hyundai	
19 Jack Wallace, Esquire	16 6 - Ms. Horton's Resume	351
20 Assistant Attorney General	17 7 - Plaintiff's Response to	356
21 Office of the Attorney General	18 Defendant Don Williams'	
22 State of Alabama	19 Interrogatories and Request	
23 11 South Union Street	20 For Production	
	21 * * * * *	
	22 ELIZABETH HORTON, of lawful	
	23 age, having first been duly sworn.	
	Page 3	Page 5
1 STIPULATIONS		
2		
3 It is stipulated and agreed by	1 testified as follows:	
4 and between counsel representing the	2 EXAMINATION	
5 parties that the deposition of ELIZABETH	3 BY MR. STEWART:	
6 HORTON may be taken before Nicole Paultk,	4 Q. Ms. Horton, we met right before your	
7 Certified Court Reporter and Notary Public	5 deposition began, but other than that,	
8 in and for the State of Alabama at Large,	6 we've never seen each other before, have	
9 without the formality of a commission; and	7 we?	
10 all formality with respect to other	8 A. I've never met you before, no.	
11 procedural requirements is waived; that	9 Q. Okay. I'm going to take your deposition	
12 objections to questions, other than	10 today in this case that you've filed	
13 objections as to the form of the questions	11 against National Seating, Don Williams,	
14 need not be made at this time, but may be	12 and Gerald Shockley. Have you ever given	
15 reserved for a ruling at such time as the	13 a deposition before?	
16 deposition may be offered in evidence or	14 A. No.	
17 used for any other purpose by either party	15 Q. I'm sure your lawyer has given you a brief	
18 as provided by the Federal Rules of Civil	16 overview at least about what's going to	
19 Procedure.	17 take place today, but let me just go ahead	
20 * * * * *	18 and tell you what the ground rules are.	
21 I N D E X	19 I'm asking questions to you; your	
22 Examination	20 responses are given under oath. Do you	
23 By Mr. Stewart	21 understand that?	
	22 A. I do.	
	23 Q. Do you understand that because your	

2 (Pages 2 to 5)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 6	Page 8
<p>1 answers are given under oath, that you are 2 subject to the laws of perjury in the 3 event that you don't tell the truth?</p> <p>4 A. I do understand that.</p> <p>5 Q. Okay. When giving your deposition, 6 sometimes people tend to nod or shake 7 their head to say yes or no, but in this 8 environment, it's very important that you 9 speak your answer out. And if you forget 10 or if I forget at one point to actually 11 speak out an answer, I will correct us 12 somehow. Usually I just point at the 13 microphone to remind you we're taking your 14 testimony down, and I'll point at that 15 thing there, okay?</p> <p>16 A. Okay.</p> <p>17 Q. For that reason, it's also important to 18 speak out your answers. You're sort of 19 soft-spoken, and that's not a problem 20 normally, but sometimes when you're taking 21 a deposition, if a soft-spoken person is 22 giving their testimony, it doesn't get 23 recorded very well, okay?</p>	<p>1 A. That's fine. Thanks.</p> <p>2 Q. Are you on any kind of medication that 3 would affect the ability to answer 4 truthfully?</p> <p>5 A. It could.</p> <p>6 Q. Do you mean that it's possible that you 7 may give false testimony today because of 8 medication that you are on?</p> <p>9 A. I'm on medication, but it can influence me 10 to get a little hyper, if we need to take 11 that break. As far as giving the truth, 12 I'm going to give you the truth.</p> <p>13 Q. Okay. Great. Is there anything about the 14 medication that you're taking that affects 15 your ability to understand questions?</p> <p>16 A. You might have to rephrase it sometimes.</p> <p>17 Q. Will you let me know?</p> <p>18 A. I will.</p> <p>19 Q. Are you aware, even when you're on your 20 medication, that you don't understand a 21 question when it's asked --</p> <p>22 A. Of course I do. I'm aware of that.</p> <p>23 Q. Okay. So we won't have a problem later on</p>
Page 7	Page 9
<p>1 A. Okay.</p> <p>2 Q. After the deposition takes place, you will 3 have the right to read and sign the 4 deposition to make sure that it was taken 5 down properly by the court reporter. You 6 can waive that right; you can also 7 exercise that right. I don't know if 8 you've had a chance to talk with your 9 lawyer about that and what you would 10 prefer to do. Nicole is a good court 11 reporter. You can't change your answer, 12 but if she were to misspell something or 13 something, you can make that correction. 14 Would you like to read and sign, or do you 15 want to waive that?</p> <p>16 MS. NICKSON: Read and sign.</p> <p>17 A. Read and sign.</p> <p>18 Q. Okay. During the deposition today, if you 19 want to take a break, get some water, 20 smoke a cigarette, take a walk, anything 21 like that, you just tell me, and we'll be 22 more than happy to stop at a natural point 23 and let you take that break, okay?</p>	<p>1 where you say, I didn't understand the 2 question because I was on medicine or 3 something?</p> <p>4 A. No. I will ask you to rephrase the 5 question to make sure I understand it or 6 just ask me the question again.</p> <p>7 Q. Okay. That's fair. And so if you answer 8 a question without telling me to rephrase 9 it, can I assume that you understood the 10 question?</p> <p>11 A. I'm not going to answer it without telling 12 you to rephrase it or ask it again.</p> <p>13 Q. Okay. How old are you, Ms. Horton?</p> <p>14 A. I'm 44.</p> <p>15 Q. What's your date of birth?</p> <p>16 A. June the 18th, 1963.</p> <p>17 Q. Your social security number?</p> <p>18 A. 432-37-8397.</p> <p>19 Q. Are you currently married?</p> <p>20 A. No.</p> <p>21 Q. Have you ever been married?</p> <p>22 A. Yes.</p> <p>23 Q. How many times?</p>

3 (Pages 6 to 9)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 10</p> <p>1 A. Twice. 2 Q. What was your first husband's name? 3 A. Levester Butler. 4 Q. Levester Butler? 5 A. Uh-huh. 6 Q. L-A-V-E-S-T-E-R? 7 A. L-E-V-E-S-T-E-R. 8 Q. And how long were you married to 9 Mr. Butler? 10 A. For about 15 years. 11 Q. Where were you married? 12 A. Marianna, Arkansas. 13 Q. Did you say Mary Ann? 14 A. Marianna, M-A-R-I-A-N-N-A. 15 Q. Arkansas. And in what year were you 16 married? 17 A. July the 2nd, 1982. 18 Q. And how old were you at the time? 19 A. I was 22. 20 Q. How long were you married, did you say? 21 15 years? 22 A. 15 years. 23 Q. When were you divorced?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. What does he do? 2 A. He's an engineer for Hyundai. 3 Q. Okay. And your marriage to Mr. Butler 4 that was terminated in Marianna, Arkansas, 5 what county in Arkansas is that? 6 A. That's Lee County. 7 Q. What were the grounds for the divorce from 8 Mr. Butler? 9 A. He was on drugs, and he was abusive. 10 Q. Physically abusive? 11 A. And emotionally sometimes. 12 Q. And what were the grounds for the divorce 13 from Mr. Horton? 14 A. Chris and I -- there was another woman 15 involved, so it was the best thing for us 16 to do, was to get a divorce. 17 Q. Was there any abuse in that marriage? 18 A. No, not at all. 19 Q. And you've never been married any other 20 time? 21 A. No. 22 Q. Is that correct? 23 A. That is correct.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Our divorce became final in September of 2 '94. 3 Q. Okay. And where were you divorced? 4 A. Marianna, Arkansas. 5 Q. And who was your second marriage to? 6 A. Chris Horton -- Christopher Horton. 7 Q. When were y'all married? 8 A. We were married August the 4th of 2002. 9 Q. And where were you married? 10 A. Excuse me -- yeah, in 2002. We were 11 married in Nashville, Tennessee. 12 Q. And how long were you married? 13 A. We were married four years. 14 Q. And when were you divorced? 15 A. Here in Alabama. 16 Q. When? 17 A. July -- my divorce became final June the 18 26th of 1986 -- 2006. 19 Q. And is that in Montgomery County, Alabama, 20 that the divorce took place? 21 A. Yes. 22 Q. Does he still live in Montgomery County? 23 A. Yes.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Did the divorce from Christopher Horton 2 affect your physical condition in any way? 3 A. Physical, no. It was a stressed-out thing 4 because we both worked at Hyundai 5 together, and so did she. As far as my 6 concern was, I had gotten pretty much past 7 it and over it. 8 Q. You mean as you sit here today, you are? 9 A. As I left here in July I was over it, July 10 of 2006. 11 Q. Okay. And did the divorce from Mr. Horton 12 affect your financial condition? 13 A. Yes. 14 Q. How so? 15 A. Well, we both had two incomes at the 16 moment, and when I asked for the 17 separation June the 16th of 2005, Chris 18 was still responsible as to -- for him to 19 take care of things that were there at the 20 apartment, and then after the divorce, it 21 was one salary. So, of course, I'm having 22 to pay for my own attorney and medical 23 bills at that time, and college.</p>

4 (Pages 10 to 13)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 14</p> <p>1 Q. Did you say maternity leave? 2 A. No. 3 Q. What did you say? 4 A. Medical and college for my daughter. 5 Q. Where is your daughter in school? 6 A. One graduated from University of Memphis the year after Chris and I got a divorce, and I have one in nursing school at the University of -- UAB in Helen, Arkansas. 10 Q. I'm confused. The one who is in nursing school graduated from -- 12 A. She has one more year in nursing school. The one that's graduated from college after my divorce who I was supporting graduated a year after I got a divorce. So I was supporting her -- I was supporting both of them while I was married to Chris. One graduated the year after I got married -- I mean after I got a divorce, and the other one is still in college. 22 Q. Okay. Let's make it a little clearer. 23 The child that's already graduated, what's</p>	<p style="text-align: right;">Page 16</p> <p>1 A. He'll be 28 in December. 2 Q. Where does he live? 3 A. He lives in Marianna, Arkansas. 4 Q. What does he do? 5 A. He's a probation officer for the state prison, and right now he's on military leave getting ready to go to Iraq. 8 Q. Do you have any relatives in Montgomery, Alabama? 10 A. I have no relatives except when I was married to Chris. 12 Q. Do you have any relatives in the state of Alabama? 14 A. No. 15 Q. Where are your relatives? 16 A. In Marianna, Arkansas, in Little Rock, St. Louis, Gatlinburg -- but none here. 18 Q. Do you have any relatives in Texas? 19 A. No. 20 Q. What is your maiden name? 21 A. Walton. 22 Q. So you were born Elizabeth -- 23 A. Walton.</p>
<p style="text-align: right;">Page 15</p> <p>1 her name? 2 A. Tamika. 3 Q. Can you spell it? 4 A. Tamika Nicole. T-A-M-I-K-A. 5 Q. Tamika Nicole? 6 A. Tamika Nicole Butler. 7 Q. Okay. And she graduated from the University of Memphis and now lives in Arkansas? 10 A. She's a coach at Lee Senior High School. 11 Q. In Arkansas? 12 A. In Arkansas. 13 Q. Marianna, Arkansas? 14 A. Marianna. 15 Q. Okay. And then your younger daughter's name is? 17 A. Tanisha, T-A-N-I-S-H-A, Rochelle Butler. 18 She's in her last year of nursing school. 19 Q. At UAB? 20 A. At University of -- that's in Helena, Arkansas, UAB, Phillips County. Then I have a son. 23 Q. And how old is your son?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Do you have a middle name? 2 A. I do not. 3 Q. And your parents' names were what? 4 A. Alexander Walton and Rosie May -- her maiden name was Macklin before she became Walton. 7 MR. WALKER: I'm sorry, ma'am, what was that? 9 THE WITNESS: My mother's maiden name was Macklin. 11 Q. M-A-D-G -- 12 A. M-A-C-K-L-I-N. 13 Q. So you were raised in Marianna, Arkansas? 14 A. Yes, I was. 15 Q. Did you complete high school there? 16 A. Yes, I did. 17 Q. What high school did you graduate from? 18 A. Lee Senior High School. 19 Q. And after you completed high school, what did you do? 21 A. Well, I got married. I was set to go off to college to Philander Smith when I got married, and during my marriage, I worked</p>

5 (Pages 14 to 17)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 18</p> <p>1 two jobs. 2 Q. So Farmer Smith, is that a college in 3 Arkansas? 4 A. Philander. Philander Smith is a college 5 in Little Rock, Arkansas. 6 Q. What type of school is it? 7 A. It's a university. 8 Q. Four-year? 9 A. Four-year. 10 Q. Did you ever go back and complete your 11 college education? 12 A. No. 13 Q. As we sit here today, the highest level of 14 education you have is 12th grade? 15 A. 14. I have two years. 16 Q. Two years at what? 17 A. At Capital City Community College in 18 Little Rock. 19 Q. And did you get a degree from Capital City 20 Community College? 21 A. No, just a certificate there. I'm in 22 college right now. 23 Q. Studying what?</p>	<p style="text-align: right;">Page 20</p> <p>1 and girlfriend? 2 A. For about six months. 3 Q. Okay. Where did you live before 8301 Boat 4 Club Road? 5 A. 1713 Arbor Mill Circle, Apartment 1415, 6 Bedford, Texas. 7 Q. Can you spell that? 8 A. B-E-D-F-O-R-D, Texas, 76021. 9 Q. And who did you live with there? 10 A. Alone. 11 Q. How long did you live at 1713 Arbor Mill 12 Circle? 13 A. Since July the 22nd of 2006, I moved 14 there. 15 Q. So you lived there approximately a year 16 before moving in with Ross Park? 17 A. Yeah, that's correct. 18 Q. Before you lived at 1713 Arbor Mill 19 Circle, where did you live? 20 A. 2600 Vaughn Lakes Boulevard, Montgomery, 21 Alabama, Apartment -- I forgot the 22 apartment number. Vaughn Lakes -- I don't 23 know. I forgot.</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Information technology. 2 Q. What is information technology? 3 A. It's actually technical support work on 4 computers, drafting, network, 5 trouble-shooting. 6 Q. Okay. And you say you're currently going 7 to school there now? 8 A. I'm currently going to the University of 9 Phoenix online. 10 Q. Okay. Where are you currently living? 11 A. I live in Texas. 8301 Boat Club Road, 12 Fort Worth, Texas, 76179. 13 Q. And how long have you lived at 8301 Boat 14 Club Road? 15 A. Since July the 21st, 2007. 16 Q. Who do you live there with? 17 A. Ross Park. 18 Q. Who is Ross Park? 19 A. He's my boyfriend. 20 Q. And how long have y'all lived there? 21 A. He lived there -- he's from Texas -- 22 maybe -- in that apartment, over a year. 23 Q. Okay. How long have y'all been boyfriend</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Is that where you lived with Chris Horton? 2 A. Yes. 3 Q. How long did you live at that address? 4 A. We moved here March of 2004. 5 Q. Where did y'all move from? 6 A. Dubuque, Iowa. 7 Q. Where did you live in Dubuque, Iowa? 8 A. 17 -- I think it was 17 -- no. 2173 Sunny 9 Slope Drive, Dubuque, Iowa, 52002. 10 Q. How long did you live there? 11 A. Since January of 2001; I arrived there. 12 Chris was there in December of 2000. 13 Q. Okay. So you lived there by yourself 14 January through December of '01, and then 15 Chris moved in December -- 16 A. Chris was there in December, the end of 17 December of 2000, and I arrived there 18 January, right after the new year, 2001. 19 Q. So Chris was already living there? 20 A. Yes. 21 Q. Where did you live before that? 22 A. I lived in Marianna. 23 Q. What was your address in Marianna?</p>

6 (Pages 18 to 21)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 22</p> <p>1 A. 243 Dr. Martin Luther King Drive, 2 Marianna, Arkansas, 72360. 3 Q. How long did you live at 243 Dr. Martin 4 Luther King Drive? 5 A. Basically all my life. 6 Q. Okay. Is that your parents' house? 7 A. No. My parents house was at -- it was on 8 -- my parents lived in Marianna, but the 9 street was Walter Street. 10 Q. I want to make sure I understand your 11 answer. You said your parents lived on 12 Walter Street in Marianna too? 13 A. Uh-huh. They're from Marianna. 14 Q. And is that the -- Walter Street, is that 15 where you grew up? 16 A. I did. 17 Q. How old were you when you left Walter 18 Street? 19 A. I got married. That's when I moved out. 20 22. 21 Q. Okay. And so you and Lester moved into 22 the address at 243 Dr. Martin Luther King 23 Drive?</p>	<p style="text-align: right;">Page 24</p> <p>1 Marianna after living in Little Rock for 2 how long? 3 A. I moved back there in '93 permanently to 4 stay, and I left there in -- well, it was 5 '85 when I left, come to think of it. My 6 daughter was almost a year old. 7 Q. When you left? 8 A. Uh-huh, Marianna. 9 Q. Okay. And moved to? 10 A. To live with my brother. So it was back 11 and forth off and on to Marianna. I was 12 living with my brother, going to school, 13 and working there to support my kids, who 14 were still with my mother-in-law and my 15 parents. I left my husband, so when I 16 came back home on the weekends, I stayed 17 with either my parents or I'm very close 18 with my husband's family; I still stayed 19 with them. 20 Q. Okay. 21 A. And when I go visit today, I still stay 22 with them. We're very close. 23 Q. What are their names?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. No. When we got married, we moved into 2 Hickory Garden. We had our own place. 3 Q. What is it? 4 A. This apartment at Hickory Garden in 5 Marianna, Arkansas. 6 Q. Okay. And that's where you moved at 22 7 years old? 8 A. Yes. 9 Q. And how long did you live in that 10 apartment there? 11 A. I left -- I separated from my husband in 12 1984. I moved out, and I moved to Little 13 Rock to live with my brother, and that was 14 2600 Green Drive in Little Rock. Then I 15 attended Capital City there, and then I 16 went back. I went back in -- I'm trying 17 to think what year. 1992 or '3. But I 18 was coming home every weekend, so... 19 Q. Well -- you said here? 20 A. I was coming home to Marianna every 21 weekend because my kids were in school 22 there. 23 Q. And then you finally moved back to</p>	<p style="text-align: right;">Page 25</p> <p>1 A. The Butlers. Odessa Butler; she's my 2 ex-mother-in-law. Janelle Davis, Shirly 3 Butler, Arlene Butler. We're still very, 4 very close, and I'm close to my 5 ex-husband. So when I said all my life, 6 part of Little Rock and Marianna is going 7 back and forth. I came home every 8 weekend. 9 Q. Were the addresses, then -- 10 A. I kept my address in Marianna. 11 Q. You kept the Walter Street address? 12 A. Uh-huh. 13 Q. Even though you didn't live there anymore; 14 is that correct? 15 A. Well, I lived there on the weekends. 16 Q. Okay. And did you also put down at times 17 your in-laws' address as your home 18 address? 19 A. That was the mailing address for my 20 children in school. It was 260 21 California, which was -- 243 was on one 22 street and 260 was -- you could walk 23 through the back yard on the next street.</p>

7 (Pages 22 to 25)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 26

1 It was right behind each other.
 2 Q. And then the other address you had during
 3 this time frame was 2600 Green Drive,
 4 Little Rock?
 5 A. That was my brother's address. That's why
 6 my school information went to his home.
 7 Q. What is your brother's name?
 8 A. Calvin Lee Walton.
 9 Q. Okay. And between the age of 22 and the
 10 time you moved to Martin Luther King
 11 Drive, were there any other places that
 12 you lived?
 13 A. 22 is when I lived in Sunny Slope -- I
 14 mean at Hickory Garden with my husband;
 15 that's when I got married. I left him in
 16 1985; we separated.
 17 Q. And so from 1985, you would move -- you
 18 lived with your brother in Little Rock,
 19 and you lived with your parents sometimes,
 20 and you lived with your in-laws sometimes?
 21 A. I lived with my brother going to school.
 22 I came home every weekend to see my
 23 parents, and then my kids were still with

Page 28

1 A. Yeah.
 2 Q. So from 1985 to 1992, you lived with your
 3 brother, your mother, or your in-laws
 4 weekly?
 5 A. Yes.
 6 Q. You never had your own place? Is that
 7 right?
 8 A. No.
 9 Q. Okay. 1992 is when you settled down at
 10 what address?
 11 A. At 243 Martin Luther King Drive.
 12 Q. Okay. I want to focus just right now on
 13 the time frame of 1985 to 1992. For some
 14 period of time, you attended Capital City
 15 Community College; is that right?
 16 A. Yes.
 17 Q. Was that the first two years, 1985, '86?
 18 A. '86, '87.
 19 Q. Okay. And then did you get a job during
 20 that same time frame, or were you a
 21 full-time student?
 22 A. I was a full-time student and had a job.
 23 Q. And what were you doing then?

Page 27

1 -- my mother-in-law helped me with my
 2 children, and her daughters, because he
 3 was on drugs, and so -- and I was going to
 4 get a better job for myself to support my
 5 kids. So when I came home on the
 6 weekends, then I'd go see my parents --
 7 I'd spend the night there with my parents
 8 with my kids, and then I'd go to my
 9 mother-in-law's house and spend time with
 10 them because we were all very close.
 11 Q. Okay. How long did this moving back and
 12 forth go on, what period of time?
 13 A. I could stay there -- I started my job at
 14 Douglas & Loamson when my father died of
 15 cancer.
 16 Q. Wait. Start over again. I'm sorry. My
 17 question to you was, how long had you been
 18 moving back and forth between Little Rock
 19 and Marianna, Arkansas before you settled
 20 down somewhere?
 21 A. Well, I settled down back at home
 22 permanently in 1992.
 23 Q. 1992?

Page 29

1 A. I was working as a cashier. I worked at
 2 Wal-Mart on Maumelle Boulevard.
 3 Q. On what boulevard?
 4 A. Maumelle -- at the one in Arkansas, that
 5 Wal-Mart.
 6 Q. Can you spell Maumelle?
 7 A. M-A-U-M-E-L-L-E. And then I worked at
 8 Conoco service station three days a week
 9 from 3/11 -- and let me correct myself on
 10 something too, because during the time I
 11 worked at Conoco, I actually -- my sister
 12 -- I have a sister Paula, Paula Walton,
 13 and I actually went and got my kids. We
 14 got an apartment together, so -- and that
 15 was in the Pine Tree Apartments. I went
 16 and got my kids. I had forgotten all
 17 about that.
 18 Q. For how long did you live in those
 19 apartments with your children?
 20 A. I lived there with my children for -- '87
 21 to '91.
 22 Q. And is that a suburb of Marianna?
 23 A. No, that's in Little Rock. I brought my

8 (Pages 26 to 29)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 30</p> <p>1 children to Little Rock. 2 Q. Okay. All three? 3 A. Yes. 4 Q. Okay. And your sister's last name is 5 Paula -- 6 A. Paula Marie Walton. 7 Q. So she was unmarried at the time? 8 A. Yes. 9 Q. Do you remember the apartment that you 10 lived in? 11 A. It was Pine Tree Apartments, and it was on 12 -- it was in southwest Little Rock. 13 Q. Okay. So you initially started at the 14 school in '86; you worked as a cashier at 15 a Wal-Mart in Maumelle, Arkansas; is that 16 right? 17 A. That's correct. 18 Q. And you did that for a while, and then you 19 switched jobs to the Conoco service -- 20 A. No, I worked both of them. 21 Q. You worked both at the same time? 22 A. Uh-huh. 23 Q. Is that right?</p>	<p style="text-align: right;">Page 32</p> <p>1 positions. 2 Q. And the Corps of Engineers job came to an 3 end after a year and a half? 4 A. It was a student program. 5 Q. And when it ended, did you take up another 6 job? 7 A. I got a full-time position job, yes. 8 Q. Where? 9 A. Arkansas Democrat. 10 Q. Is that a newspaper? 11 A. Yes. 12 Q. Where is it located? 13 A. Little Rock, Arkansas. 14 Q. What did you do with that newspaper? 15 A. I worked in customer service. 16 Q. What were your job duties? 17 A. It was actually -- I handed out 18 subscriptions to accounts. If people go 19 out of town, if they wanted to hold their 20 papers until they come back, to place it 21 in the computer; if they wanted to order a 22 new paper for the first time, enter those 23 orders into the system.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Yes. 2 Q. And then what job did you have next? 3 A. Well, I worked for them part-time, and 4 then I worked for -- downtown while I was 5 in school, the Corps of Engineers. 6 Q. What did you do at the Corps of Engineers? 7 A. I worked on computers in the computer 8 department. 9 Q. For the state of Arkansas? 10 A. For the State of Arkansas Corps of 11 Engineers. It was a student program. 12 Q. Okay. How long did you do that? 13 A. For about a year and a half, because the 14 program ended. 15 Q. Okay. Were you still working at the 16 Conoco service station and the Wal-Mart? 17 A. Yeah. Wal-Mart was like four days a week 18 and four hours. The Conoco in the evening 19 was like six hours, not every day, just 20 depends on when they needed me; it was 21 PRN. And so I worked at the Corps of 22 Engineers from like 7 in the morning to 23 11. So all of them were like part-time</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. So you were data entry? 2 A. Customer service and -- 3 Q. Talked on the telephone to folks? 4 A. Talk on the telephone and enter that 5 information in. 6 Q. Okay. And how long did you work -- I'm 7 sorry. Did you finish? 8 A. It was inbound; people called in. 9 Q. Okay. And how long did you work for the 10 Arkansas Democrat? 11 A. I worked for them for two years until they 12 were bought out. 13 Q. Okay. Then where did you work? 14 A. Then when they were bought out, I was 15 still working my part-time positions at 16 Conoco and also at Wal-Mart. 17 Q. Okay. What year was it that the Arkansas 18 Democrat was bought out? 19 A. 1990. Arkansas Gazette bought them out. 20 Q. And you were not kept on? 21 A. I didn't participate in wanting to be kept 22 on. 23 Q. You didn't anticipate wanting to be kept</p>

9 (Pages 30 to 33)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 34

1 on?

2 A. Not in customer service. They were
 3 eliminating that department, so we had no
 4 idea where we were going to go and had no
 5 idea what was going to happen. And I
 6 couldn't afford to waste any time taking
 7 care of my kids.

8 Q. So what did you do?

9 A. I still worked my part-time jobs.

10 Q. Well, did you apply for another job?

11 A. I didn't at the moment; I just continued
 12 to go to school.

13 Q. Did you quit your job at the Arkansas
 14 Democrat?

15 A. No, I never quit; they laid us off.

16 Q. And you said you continued to go to
 17 school?

18 A. Yes, picking up some more classes, until
 19 that school shut down.

20 Q. What school was that?

21 A. Capital City finally shut down in 1994.

22 Q. Okay. When you were working at the
 23 Arkansas Democrat, were you living at the

Page 35

1 243 Martin Luther King Drive address?

2 A. I was living with my brother. It's in
 3 Little Rock. Excuse me. I'm a little bit
 4 confused here. When I was working for the
 5 Arkansas Democrat, yeah, I was living with
 6 my brother, and that's when -- later on
 7 that year, my sister and I got an
 8 apartment together. My brother lived down
 9 the street from us, and it was at the
 10 Pines, so I was still in Little Rock.

11 Q. Okay. So it was after the Arkansas
 12 Democrat job ended that you settled down
 13 at 243 Martin Luther?

14 A. I went back home. After that, my father
 15 got sick with cancer, and I took his job
 16 in Marianna.

17 Q. When is it that you went back home?

18 A. I went back home -- in the end of '93 or
 19 '94, I went back home. I can't remember.
 20 I know my father had died that February of
 21 '93, and I took his job working at Douglas
 22 & Loamson in Marianna to take care of my
 23 mother and my kids.

Page 36

1 Q. What was the name of the company?

2 A. Douglas & Loamson, L-O-A-M-S-O-N.

3 Q. What is that?

4 A. They are the manufacturers that deal with
 5 Chrysler seats for Chrysler and GM and add
 6 attachments like door hinges and door
 7 latches.

8 Q. Okay. The Arkansas Democrat was bought
 9 out in 1990 by the Arkansas Gazette. You
 10 moved back home in 1993 or 1994. Do you
 11 think it was '93 that you moved back in,
 12 if your father passed away in February of
 13 '93?

14 A. He passed away in February of '93. I
 15 didn't go to work immediately, so that's
 16 why I say has to be. And it could have
 17 been either the end of February -- end of
 18 May through early '94. I just remember
 19 that we moved back home because someone
 20 had to take care of my family -- my
 21 mother, which my other sisters and
 22 brothers did, and I.

23 Q. And when you moved back home to care for

Page 37

1 your mother, did you move into her home,
 2 or where did you move in?

3 A. No, because my sister, she came -- Paula
 4 came back home too. She moved in with my
 5 mom, and I moved in 243. She wasn't
 6 working, so I had to support them both.

7 Q. And where were your children living when
 8 you lived at 243?

9 A. My children were living at 243 with me and
 10 walking in the back yard to their
 11 grandmother's house. I moved in 243
 12 because I got closer to my mother-in-law
 13 and to my sister-in-law and their family
 14 because they helped me out quite a bit
 15 with my children.

16 Q. You said that you went back when you did
 17 after your father passed away, and you
 18 said you took his job?

19 A. Yes.

20 Q. Did they offer you the job that your
 21 father had had?

22 A. Yes. My father had been there 30 years,
 23 and my mother had a stroke and was -- when

10 (Pages 34 to 37)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 38

1 I was 16, so my mother was not capable of
 2 actually being taken care of by herself.
 3 So when someone died, they had a rule. It
 4 was their policy if someone died in the
 5 family, the next closest in the family or
 6 whatever could have gotten the job, and I
 7 got the job.
 8 Q. Okay. And how long did you work for this
 9 Douglas -- I still didn't write it down
 10 right. I apologize -- Douglas & Loamson?
 11 How did you spell it?
 12 A. L-O-A-M-S-O-N.
 13 Q. Loamson?
 14 A. Yes.
 15 Q. How long did you work at Douglas &
 16 Loamson?
 17 A. From '94 until -- off and on because they
 18 -- we laid off quite a bit in the season,
 19 so altogether from '94 until -- I'm just
 20 thinking because it was '94 until right
 21 around '98.
 22 Q. Okay. And what happened in 1998?
 23 A. They shut it down, laid a lot of people

Page 40

1 A. I worked on the assembly line packing
 2 meat. I was a meat packer.
 3 Q. Okay. And you were an assembly line
 4 employee also at Douglas & Loamson?
 5 A. That's correct.
 6 Q. And you were involved in making seats for
 7 Chrysler and GM vehicles?
 8 A. Yes. It was not really assembly line.
 9 It's like a station where the robot
 10 actually works the part. You actually
 11 assemble the parts into the robot.
 12 Q. All right. How long did you work at
 13 Boar's Head?
 14 A. Until they shut down.
 15 Q. When did they shut down?
 16 A. They shut down the end of '99.
 17 Q. What did you do then?
 18 A. Then I went to Yale & Horst.
 19 Q. Yellow Horse?
 20 A. Yale, Y-A-L-E, and Horst, H-O-R-S-T.
 21 Q. What is that?
 22 A. Another manufacturer. What they do is
 23 they build sort of like crane shafts that

Page 39

1 off. They were losing the contract with
 2 GM for parts, so half of the people were
 3 laid off, the lower numbers than the
 4 people who had been there for 30 and 40
 5 years.
 6 Q. So you were laid off?
 7 A. Yes.
 8 Q. What did you do next?
 9 A. I went and worked for this company that --
 10 for the City of Arkansas that actually
 11 sold meat, like made wieners and hot dogs
 12 and -- Boar's Head, something like that,
 13 was the name of it.
 14 Q. Boar's Head?
 15 A. Uh-huh.
 16 Q. And where are they located?
 17 A. Forrest City.
 18 MR. WALKER: I'm sorry. What's
 19 that city?
 20 A. Forrest, F-O-R-R-E-S-T, City, Arkansas.
 21 It's like 18 miles from Marianna, so I
 22 traveled back and forth every day.
 23 Q. And what did you do for that company?

Page 41

1 you lift motors up out of your vehicle
 2 with. So they assembled those parts and
 3 built their motors to assemble those parts
 4 to lift that kind of equipment from
 5 vehicles or tractors or trucks, whatever.
 6 Q. Okay. What did you do for them?
 7 A. Actually, the production scheduling there
 8 for them. The orders came in from the
 9 office, and we assembled out to the
 10 production people in line and said we need
 11 this many parts built, had to locate the
 12 parts and see if we had them in the
 13 system. And if we didn't have the parts
 14 in the system, then I'd report back to the
 15 office and say we need to order these
 16 parts -- or to my supervisor and say we
 17 need to order these parts. So I was --
 18 basically was helping the production meet
 19 their standard flow for that day or for
 20 that week.
 21 Q. Okay. How long did you work at Yale &
 22 Horst?
 23 A. From 2000 to -- they shut down the early

11 (Pages 38 to 41)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 42</p> <p>1 part of 2006. It was the end of 2005, 2 December 2005.</p> <p>3 Q. Then what did you do? 4 A. Let me correct something. I'm just 5 thinking about the years, because I moved 6 to Iowa with Chris. Oh, okay. Yes. I 7 remember now. I start at Yale full time 8 in 1995, because I was working at Boar's 9 Head when they were getting to shut people 10 down, so I was working there at Boar's 11 Head and I was working at Yale. I was 12 working at Yale from 11 to 7 and at Boar's 13 Head from 10 to 2. And then when Boar's 14 Head shut down permanently, I went to work 15 full time -- well, actually, went on to 16 work more extra hours at Yale Horst in 17 2005, then everybody was laid off in 18 December of 2000.</p> <p>19 Q. At Boar's Head or Yale Horst? 20 A. Yale Horst everybody was laid off in 2000. 21 Q. Okay. So what did you do in 2000? 22 A. They offered us a package at Yale that we 23 can go to school -- living in that part of</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. And so both of y'all moved to Iowa? 2 A. Chris moved there first. 3 Q. In December, and you moved there in 4 January? 5 A. Yes. 6 Q. And Chris was in 2000 and you, January of 7 2001? 8 A. That's correct. 9 Q. And then when what did you do once you 10 moved to Iowa in terms of employment? 11 A. I went to Kelly Services there, and I got 12 a temporary position working for 13 Cunningham & Butler. That was an 14 insurance company that provides providers 15 with information about recipients, a 16 portion of the plan where they're kept up 17 for the year of any kind of dental, 18 medical, or any kind of procedure they 19 wanted to perform on that patient -- that 20 insurance holder. So I worked in provider 21 services, providing providers with 22 information about customers, or their -- 23 their patients, customers, whatever.</p>
<p style="text-align: right;">Page 43</p> <p>1 town in Marianna, Forrest City, there 2 wasn't very many jobs available, and so -- 3 it was a little poverty town. So what 4 happened was you could draw your 5 unemployment and they would send you to 6 Crowdley Ridge Community College in 7 Forrest City.</p> <p>8 Q. Can you spell the name of that? 9 A. Yes. C-R-O-W-D-L-E-Y Ridge Community 10 College while you're drawing unemployment 11 so you can hire yourself for other jobs in 12 Memphis and the surrounding areas. But I 13 moved to Iowa with Christopher. 14 Christopher and I met there.</p> <p>15 Q. Okay. What was he studying? 16 A. Where was Christopher staying? 17 Q. Studying. 18 A. Christopher was an engineer. He moved -- 19 Christopher came from Charlotte, North 20 Carolina to Yale. I met Chris there. I 21 met him in '98. I was already working 22 there. Chris moved there from Charlotte 23 to work for Yale.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. When you moved to Iowa, did your children 2 stay behind? 3 A. Yes. They didn't want to come to Iowa. 4 They were in school. 5 Q. How old were they? 6 A. Tamika -- my son was actually 20 when I 7 left, and my daughter, she was in her -- 8 Tamika was in her 10th grade. And Tanisha 9 was -- Tanisha was in the 8th grade. 10 Q. So they stayed behind with your in-laws? 11 A. With my in-laws, yes. 12 Q. Okay. And so you worked as an employee of 13 Kelly Services and were first assigned a 14 position for Cunningham, Butler; is that 15 right? 16 A. Yes, that was my first assignment. 17 Q. And help me understand. When you're 18 employed at Kelly Services, is it Kelly 19 Services that actually pays you and they 20 get reimbursed from Cunningham, Butler? 21 A. They pay me. I don't know whether they 22 got reimbursed. I know my checks came 23 from Kelly Services; they didn't come from</p>

12 (Pages 42 to 45)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 46</p> <p>1 the company.</p> <p>2 Q. Okay. And while you were at Cunningham 3 Butler, you would provide insurance 4 companies --</p> <p>5 A. I worked in provider services. It was an 6 insurance company.</p> <p>7 Q. It was an insurance agency or a company?</p> <p>8 A. It was an insurance company.</p> <p>9 Q. They actually wrote insurance?</p> <p>10 A. They actually did. It's a self-owned 11 company by Mr. Cunningham.</p> <p>12 Q. And so a patient would go to get some 13 procedure and --</p> <p>14 A. No, no, no. Providers would call inbound. 15 And if a patient comes in their office, we 16 have to verify their insurance, and if 17 they're having a procedure or anything 18 done, they would call us to verify, have 19 they had it done this year; you know, you 20 have a status on how many times you can 21 have a procedure done in a year.</p> <p>22 Q. Okay. So when we say providers, we're 23 talking about doctors --</p>	<p style="text-align: right;">Page 48</p> <p>1 Services?</p> <p>2 A. From January 2001 until October of -- 3 October the 8th of 2001. That's when I 4 went across the street to Signa Investment 5 Retirement Company.</p> <p>6 Q. The whole time that you were working for 7 Kelly Services, were you assigned to this 8 job at Cunningham Butler?</p> <p>9 A. Uh-huh, I was.</p> <p>10 Q. And then Sigma Investments --</p> <p>11 A. Signa.</p> <p>12 Q. Signa Investment --</p> <p>13 A. Retirement Services Investment Company.</p> <p>14 Q. I'll get it right here in a second. It 15 was right across the street?</p> <p>16 A. Yeah.</p> <p>17 Q. And what did you --</p> <p>18 A. It was right off the main street.</p> <p>19 Q. Okay. And what did you do for them?</p> <p>20 A. I was a retirement account representative. 21 I went to get my license in Series 6 and 22 63, so we only handled retirement 23 accounts, 401s and 401(k)s and pension</p>
<p style="text-align: right;">Page 47</p> <p>1 A. I only spoke with providers.</p> <p>2 Q. Doctors' offices?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And they would call in and they 5 would verify whether this particular 6 patient had insurance with Cunningham 7 Butler, and if so, whether or not the 8 procedure that was planned would be 9 covered?</p> <p>10 A. That's correct. And they also wanted to 11 verify if they had any other insurance, 12 who was primary, who was first, secondary, 13 of that nature.</p> <p>14 Q. Okay. And you would take those calls, 15 research, and call them back?</p> <p>16 A. No. I'd take those calls and do the 17 research on the phone and give them that 18 information then and there.</p> <p>19 Q. So they would stay on the line while you 20 typed stuff into the computer and told 21 them; is that right?</p> <p>22 A. That's correct.</p> <p>23 Q. And how long did you work for Kelly</p>	<p style="text-align: right;">Page 49</p> <p>1 plans.</p> <p>2 Q. You're speaking a foreign language to me, 3 I'm afraid, so I may need you to slow 4 down. You were a retirement account 5 representative?</p> <p>6 A. Yes.</p> <p>7 Q. You were employed by Signa?</p> <p>8 A. Signa Investment Retirement Services.</p> <p>9 Q. Okay. And you did what?</p> <p>10 A. We worked on 401(k) accounts.</p> <p>11 Q. 401(k)s. And what did you do in terms of 12 401(k)s?</p> <p>13 A. As if you would have been a customer, 14 you'd call in, and I'd provide you details 15 about your mutual funds or your stocks or 16 your pension account. I also did pension 17 plans, estimates for a customer who is 18 actually getting ready to retire in the 19 next five years, doing estimates for them 20 or doing transfers from one stock to 21 another stock for them, giving them the 22 estimate by the close of the business day; 23 if they wanted to take out loans from</p>

13 (Pages 46 to 49)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 50	Page 52
<p>1 their accounts or withdrawals from their 2 accounts; update their address, all that 3 information.</p> <p>4 Q. Okay. You said you had to receive some 5 type of licensing to do that?</p> <p>6 A. Yes.</p> <p>7 Q. What type of licensing is that?</p> <p>8 A. From the New York Exchange Board, Series 6 9 and 63 stock brokers licenses.</p> <p>10 Q. Series 6 and 63?</p> <p>11 A. Uh-huh.</p> <p>12 Q. That was the foreign language part. And 13 when were you so licensed?</p> <p>14 A. I was licensed -- I started there in 15 October of 2001, and I was licensed 16 January of 2002.</p> <p>17 Q. And have you kept that license active?</p> <p>18 A. I kept the license active until I moved 19 here.</p> <p>20 Q. Did you enjoy that work?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Why didn't you keep the license active 23 after moving here?</p>	<p>1 Q. With who?</p> <p>2 A. It was still Signa. It was with Signa.</p> <p>3 Q. Okay. But you were doing a different type 4 of work with Signa?</p> <p>5 A. Uh-huh. The same work I was kind of doing 6 with Cunningham & Butler, providers work.</p> <p>7 Q. Was it a different branch of Signa or a 8 different company within the Signa 9 company?</p> <p>10 A. Same company, different division.</p> <p>11 Q. Okay. How long did you live in Nashville?</p> <p>12 A. I never lived there; I was just there with 13 a friend of mine staying there until Chris 14 got through with John Deere in Iowa, and 15 then I found out there wasn't a Signa in 16 Montgomery, so -- I had to come here to be 17 with my husband.</p> <p>18 Q. Your husband got hired on with Hyundai?</p> <p>19 A. Uh-huh.</p> <p>20 Q. From John Deere?</p> <p>21 A. From John Deere.</p> <p>22 Q. Was he working with John Deere in Moline?</p> <p>23 A. Moline is the main office. Dubuque, Iowa,</p>
Page 51	Page 53
<p>1 A. Well, you can't -- if you're not in the 2 investments, you cannot keep those 3 licenses active. If you're out for two 4 years, you have to go back and do it 5 again. But you have to be within a 6 company who requires those licenses.</p> <p>7 Q. Gotcha. So you worked --</p> <p>8 A. It's pretty confusing.</p> <p>9 Q. I'm trying to keep up with it. Let's see.</p> <p>10 A. I worked a lot.</p> <p>11 Q. You started with Signa in October of 2001?</p> <p>12 A. October 8th of 2001.</p> <p>13 Q. And how long did you work there?</p> <p>14 A. Until Chris and I moved here, March of 15 2004.</p> <p>16 Q. Was there a period of time that you lived 17 in Nashville?</p> <p>18 A. Yeah. I went to -- well, it was only a 19 brief time. I went there from -- Chris 20 was coming to Hyundai here, and I went to 21 Nashville and was taking another position 22 with the Medicaid portion until Chris 23 moved here.</p>	<p>1 he worked there.</p> <p>2 Q. What takes place in Dubuque?</p> <p>3 A. That's the factory there in Dubuque. The 4 factory is not in Moline; it's just the 5 office branch.</p> <p>6 Q. And what job did Chris get with Hyundai?</p> <p>7 A. Same job, engineering, that he had at John 8 Deere.</p> <p>9 Q. What type of engineering does he do, 10 design work?</p> <p>11 A. Electrical.</p> <p>12 Q. Okay. And you moved here when again? 13 Help me with that.</p> <p>14 A. March of 2004, end of March. I went to 15 work in the Nashville Signa in -- Signa 16 was being bought out by Prudential, so I 17 told Signa that I wanted to stay with the 18 Signa branch. So -- they didn't have a 19 Prudential I know here in Montgomery as an 20 investment company, so I stayed within the 21 company, and then when Chris came in 22 March, that's when I came here, leaving my 23 job back in Nashville, because Signa was</p>

14 (Pages 50 to 53)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 54

1 here.

2 Q. And your children stayed back in Marianna?

3 A. Yes. By that time, my daughter was -- one

4 was in the 12th grade; the other was in

5 the 10th. My son was working for the

6 federal prison.

7 Q. Have we covered all the places that you've

8 lived, or are there other places that

9 you've lived?

10 A. Not that I know of, no.

11 Q. When you came here in March of 2004, did

12 you first go to work with Kelly Services?

13 A. Yes, that was my first job.

14 Q. Okay.

15 MR. WALLACE: Chuck?

16 MR. STEWART: Yeah.

17 MR. WALLACE: We've been going

18 about an hour. Can we take

19 a break?

20 MR. STEWART: Sure.

21 MR. WALLACE: Thank you.

22 (Brief recess.)

23 Q. One of the things that I want to make

Page 56

1 how I went to Nashville. Chris came down

2 several times to visit his new job there

3 and to visit me and -- while I was staying

4 with friends, and when he went back to

5 pack, then Hyundai had called. And he had

6 been trying to get on at Hyundai for about

7 a year because he wanted to be near his

8 parents.

9 Q. Okay. Are there any other places that you

10 have lived that we have not identified?

11 A. None I can think of.

12 Q. Are there any other places that you have

13 worked that you have not identified?

14 A. No.

15 Q. Have you ever been fired from a job

16 before?

17 A. No.

18 Q. Ever in your life?

19 A. No.

20 Q. Up through today?

21 A. Up until Hyundai?

22 Q. Up to today, November 20, 2007?

23 A. No, I haven't been fired from a job other

Page 55

1 certain I understand is, your testimony

2 was that Chris was coming to work at

3 Hyundai in Montgomery and that you took a

4 position with Signa in Nashville at the

5 time; is that correct?

6 A. That's correct. Because Chris had two

7 offers, one in Nashville -- that was his

8 first offer. That was the first one he

9 was going to take. And when I was working

10 in Nashville, Hyundai offered him a

11 position, and of course, his parents live

12 here, so that's where he wanted to be, so

13 either one of us has to make a choice, so

14 I had to give up my position at Signa to

15 come here. We were very familiar with

16 Nashville because we got married there and

17 he's originally from Nashville.

18 Q. Okay. Did Chris ever go to work in

19 Nashville at the time or around the time

20 that he got the job offer at Hyundai?

21 A. He -- no, no. When his offer came from

22 Nashville, he thought about it, and he

23 told me he was going to accept it; that's

Page 57

1 than dismissed from Hyundai.

2 Q. Why were you dismissed from Hyundai?

3 A. Well, in the course of the year I worked

4 there, I helped this gentleman, his wife

5 and his kids. He was a gambler, and we

6 worked together in the same department,

7 Tommy Certain. I didn't know he was a

8 gambler, but I lent him money always

9 throughout the year, because his wife

10 would call me saying their lights were out

11 and they needed to get food or something.

12 So when Chris and I were separated during

13 that time, I needed my money back from

14 him. And he wrote me a bad check for \$300

15 and it bounced in my account twice. So

16 that caused a very -- a lot of animosity

17 between us both, so I asked him every

18 other day was he going to give me back my

19 money. And I'd joke with him by saying

20 that, you know, you'll find yourself on

21 Judge Judy. And he told them that I

22 harassed him and made sexual advanced at

23 him. And that all was because of -- in

15 (Pages 54 to 57)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 58</p> <p>1 fact, the cops came out there on my job to 2 arrest me, so my whole character -- 3 everything with that had changed with 4 Hyundai, so the police had to go through 5 the human resource department to say that 6 I had been arrested for filing a false 7 report to a law enforcement agency. They 8 fired me because they didn't believe me, 9 and the reason why they didn't believe me 10 is because they had heard and had found 11 out that I was arrested.</p> <p>12 Q. Hyundai heard you had been arrested?</p> <p>13 A. Well, they came to Hyundai, five of them, 14 five sheriff's department guys came out 15 there twice. And the only way they could 16 get to me was through human resources and 17 General Affairs. See, you have to tell 18 General Affairs what are you out there to 19 arrest me for, and then General Affairs 20 has to get in contact with my manager, and 21 they had to tell my manager, because I'm 22 on the premises, they need me to come -- 23 bring me to the office and then take me</p>	<p style="text-align: right;">Page 60</p> <p>1 that you were terminated from Hyundai in 2 March of 2007 because you were arrested in 3 August of 2006?</p> <p>4 A. Well, I feel that was a reflection of what 5 happened because Tommy Certain said I 6 sexually harassed him.</p> <p>7 Q. Who said that?</p> <p>8 A. Tommy Certain.</p> <p>9 Q. Can you spell his last name?</p> <p>10 A. C-E-R-T-A-I-N.</p> <p>11 Q. And this is the guy that you lent money to 12 because his wife would call and say they 13 needed money --</p> <p>14 A. Well, his wife was the one who asked me 15 for the money, and I agreed to lend them 16 the money. She asked me to give it to 17 Tommy at work. So I wrote him a check for 18 \$300 on January the 2nd.</p> <p>19 Q. Of?</p> <p>20 A. 2007. So we returned back from the 21 Christmas break -- I didn't even notice 22 that the check had bounced in my account 23 until the end of January when I got a</p>
<p style="text-align: right;">Page 59</p> <p>1 away. But fortunately, I wasn't there 2 that day.</p> <p>3 Q. What were the sheriff deputies doing 4 there?</p> <p>5 A. To arrest me.</p> <p>6 Q. For what?</p> <p>7 A. A felony, false report. A false report to 8 a law enforcement agency; that was the 9 charge.</p> <p>10 Q. So you're saying that -- when did they 11 come to arrest you?</p> <p>12 A. August.</p> <p>13 Q. Of --</p> <p>14 A. August the 5th, 2006.</p> <p>15 Q. Okay. And when were you terminated from 16 Hyundai?</p> <p>17 A. March -- no -- yeah, March. March of 18 2007.</p> <p>19 Q. And you're saying you were terminated from 20 Hyundai because --</p> <p>21 A. I was constantly questioned about that 22 incident there.</p> <p>23 Q. Let me finish my question. You're saying</p>	<p style="text-align: right;">Page 61</p> <p>1 thing from the bank.</p> <p>2 Q. So you wrote a check on January 2, 2007, 3 to Tommy Certain?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Because his wife had called and asked you 8 to lend them money?</p> <p>9 A. Well, yeah. It's not the first time I 10 ever lent them money, so it was -- it 11 didn't really bother me at the moment 12 anyway.</p> <p>13 Q. What was his wife's name?</p> <p>14 A. Jacqueline Certain.</p> <p>15 Q. Can you spell Jacqueline?</p> <p>16 A. J-A-C-K-I-N -- K-I -- J-I-N-Q-U -- 17 something. I can't think of it. 18 Jacqueline.</p> <p>19 Q. I think there are about 200 spellings of 20 the name Jacqueline. But you think it's 21 J-A-C-Q-U-E-L-I-N-E? J-A-C-K-L-Y-N?</p> <p>22 A. Yeah, it is J-A-C-Q-U-E-L-I-N-E.</p> <p>23 Q. Okay. And had you known her before?</p>

16 (Pages 58 to 61)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 62</p> <p>1 A. I met her, yes. I met him and his whole 2 family. 3 Q. After you went to work at Hyundai? 4 A. Yes, because I didn't know him before I 5 went to work there. 6 Q. And you say he had a gambling problem? 7 A. That's when I found out. His wife told me 8 that -- well, every time we'd get paid, a 9 couple of days later, he'd ask me for 10 money for food and things -- that didn't 11 bother me. I didn't mind helping anybody. 12 He's not the only person I've lent money 13 to out there at Hyundai. So -- I didn't 14 know he was gambling until his wife said 15 he was gambling off their whole check and 16 they didn't have food and stuff, so... 17 Q. Did she have a job? 18 A. No. 19 Q. And does Tommy Certain still working at 20 Hyundai? 21 A. Yes, he's still working at Hyundai, on the 22 three-year -- he's on a three-year 23 corrective action, one step from being</p>	<p style="text-align: right;">Page 64</p> <p>1 complaint against Hyundai for your 2 termination; the EEOC then sent the notice 3 to Hyundai; an investigation took place, 4 and Tommy Certain admitted that he was not 5 telling the truth when he said you 6 sexually harassed him? 7 A. Yeah. They put him on a three-year 8 probation -- a three-year corrective 9 action. They had fired me. 10 Q. Have you asked for your job back at 11 Hyundai? 12 A. I don't want my job back at Hyundai. And 13 that's not closed. 14 Q. I'm sorry? 15 A. It's not closed. 16 Q. What do you mean by that? 17 A. EEOC is still with that case. 18 Q. Okay. So they haven't issued a 19 right-to-sue yet? 20 A. No. 21 Q. Is it your intention to sue Hyundai? 22 A. No, it's not. I just want to make it 23 right, let the truth be known. But at one</p>
<p style="text-align: right;">Page 63</p> <p>1 fired, because he opened up the case and 2 he admitted that he wasn't telling the 3 truth. 4 Q. Did you file an EEOC complaint against 5 Hyundai? 6 A. I most certainly did. 7 Q. Is that the first EEOC complaint you've 8 ever filed? 9 A. No. 10 Q. How many have you filed? 11 A. I had one -- it was -- well, I had never 12 -- it was a group EEOC complaint. So it 13 was one lady who filed it when I was -- 14 I'm trying to think. I don't remember. 15 It was some type of deal with 16 discrimination in pay for women. 17 Q. When you were employed where? 18 A. It was Conoco. 19 Q. Okay. Any other EEOC complaints that you 20 filed? 21 A. No. 22 Q. Your complaint that was filed against 23 Hyundai, you said you filed an EEOC</p>	<p style="text-align: right;">Page 65</p> <p>1 point in time, to be perfectly honest with 2 you, of course, after that lawyer called 3 me a criminal -- five cops come out there 4 to arrest me and they called me a 5 criminal. 6 Q. Which lawyer called you a criminal? 7 A. The lawyer at Hyundai. I forgot his name. 8 It's a gentleman. Anyway, I replied back 9 to his remark of me being called a 10 criminal because five officers came out 11 there to arrest me. And I kind of got 12 that under control. 13 Q. You're not talking about Richard Neal, are 14 you? 15 A. Is his name Richard Lee? I don't know. 16 Q. Neal. 17 A. Richard Neal? It may be. The only 18 attorney I knew out there. 19 Q. Okay. 20 MS. NICKSON: If I could, for the 21 record, that was not the 22 name of the attorney. I 23 addressed that.</p>

17 (Pages 62 to 65)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 66	Page 68
<p>1 A. All I know is I know it was a gentleman, 2 so...</p> <p>3 Q. So this guy out there called you a 4 criminal in front of other people?</p> <p>5 A. He called me a criminal, not only to other 6 people, but to my attorney.</p> <p>7 Q. What other people did he say it in front 8 of?</p> <p>9 A. Britt. Britt Craft, C-R-A-F-T.</p> <p>10 MR. WALKER: Are you saying 11 Brent?</p> <p>12 THE WITNESS: Britt, B-R-I-T-T.</p> <p>13 MR. WALKER: Oh, thank you.</p> <p>14 Q. Craft, C-R-A-F-T?</p> <p>15 A. C-R-A-F-T -- C-R-A-F -- yeah, C-R-A-F-T. 16 That's right.</p> <p>17 Q. And what does he do?</p> <p>18 A. It's a she.</p> <p>19 Q. What does she do?</p> <p>20 A. She used to work at Hyundai, so -- but I 21 have no idea what she does now.</p> <p>22 Q. What was she doing at the time she was 23 working at Hyundai?</p>	<p>1 waive your bounce fees that went into my 2 account. So we got ready to leave. Britt 3 and I were walking down the stairs, going 4 out the back way. Tommy came out with us 5 and said hold on, because he smoked and 6 Britt smoked. So they were standing there 7 smoking outside, and I was standing there 8 till Britt got through, and she walked me 9 to my vehicle. So then after that was 10 when I learned that Tommy said that on 11 that day, that I sexually harassed him, 12 you know, that I showed him my breast and 13 that I asked him out for a date and that 14 it all came after I made a complaint about 15 my money.</p> <p>16 Q. Okay. So you used Britt as a witness --</p> <p>17 A. I didn't use Britt as anything. Tommy 18 said she was standing there. I never -- I 19 didn't even know about the charge ever 20 until March, and this happened in 21 February. I continued to ask him about my 22 money in February; that's when I learned 23 about it. He would not give me my money</p>
Page 67	Page 69
<p>1 A. She was working in the quality department. 2 She's a quality engineer.</p> <p>3 Q. Okay. Who else was that statement made in 4 front of?</p> <p>5 A. Well, it was Britt and then Doris. And I 6 can't -- what's Doris's last name? I 7 can't think of Doris's last name, but she 8 no longer works there either because -- 9 how Britt came involved is, the day that I 10 was asking for my money from Tommy, she 11 was standing there in between -- this is 12 my desk; Tommy's desk is here; and there's 13 two desks in between us. So I'm standing 14 at my desk, and Tommy stood up and said, 15 well, can I write you another check for 16 that, you know, and I said no, you have to 17 give me cash. So Britt was standing there 18 because I was coming out there to fill out 19 my time card and I brought her a fish 20 plate; she asked me if I could pick her up 21 something to eat. And then I said, no, 22 you have to pay me in cash; I'm not taking 23 another check from you. And I said, I'll</p>	<p>1 back. And I kept saying, I want my money 2 or I'm going to take you to Judge Judy or 3 I'm just going to tell our manager about 4 you wrote me a hot check; I need my money. 5 So -- I didn't know he had filed a charge 6 on me at all.</p> <p>7 Q. Well, what were the circumstances under 8 the attorney for Hyundai saying to Britt 9 Craft that you were a criminal?</p> <p>10 A. Well, because Britt was standing there 11 when they found out what happened to me, 12 and then Britt told them what happened, 13 that it didn't happen the way Tommy said. 14 And so Britt went and got her an attorney 15 and said well -- because Tommy said that 16 we were just best friends again and that, 17 you know, Britt was taking up for me. So 18 Britt went and got her an attorney and 19 then Britt went and got her manager and 20 director and they went over to HR to speak 21 with this attorney, and they talked about 22 the cops coming up there to my job, that 23 -- did Britt know that; Britt said yes.</p>

18 (Pages 66 to 69)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 70</p> <p>1 That shouldn't have anything to do with 2 that at all, but they mentioned that. And 3 they mentioned that, well, I ran a 4 background check on her; she's a criminal. 5 Q. That's what the attorney said to Britt? 6 A. Yes, he did. 7 Q. Were there any witnesses to that 8 statement? 9 A. I don't know who was in the office with 10 Britt, but I know Britt called me and told 11 me. And I know that's not the first time 12 I heard it. 13 Q. When else did you hear it? 14 A. I called him and I spoke with him. 15 Q. You're saying the attorney at Hyundai? 16 A. That's correct. 17 Q. Go ahead. 18 A. And I asked him about his remark. And he 19 said my background -- well, the cops came 20 out there and my background check showed 21 that I was arrested and that I was a 22 criminal. I was arrested for a criminal 23 charge, that's what he said. I said,</p>	<p style="text-align: right;">Page 72</p> <p>1 A. I did when I first -- because Doris, you 2 know, she lived with me for a moment, so 3 -- she split up with her fiance and she 4 moved in with me, so after I left and 5 moved to Texas, she took a job down there. 6 And we used to keep in contact, but we 7 don't keep in contact anymore. 8 Q. But you have her telephone number? 9 A. I have her old number in my phone, yes. 10 Q. Okay. And what did she say about the 11 attorney saying something about your being 12 a criminal? 13 A. Well, you know, because they were still 14 working out there and I was not, and, you 15 know, this stuff was continuing to go on 16 with this investigation and all this kind 17 of stuff -- on Britt, you know, and it was 18 -- it was a whole lot of mess. But I 19 wasn't there, but it was continuing to go 20 on trying to get it straight, trying to 21 get it right. So in the midst of the 22 thing, you know, I was in the middle and 23 Tommy was the one saying all this stuff.</p>
<p style="text-align: right;">Page 71</p> <p>1 well, that's not what I heard you said, 2 but I'm not a criminal. 3 Q. Okay. And when did that phone call take 4 place? 5 A. March. And it could be in the middle of 6 March or the end of March. 7 Q. 2007? 8 A. Yes. 9 Q. And then Doris, last name unknown -- 10 A. It's Alexander. 11 Q. Okay. Doris Alexander? 12 A. I think it's Doris Alexander. 13 Q. You said she no longer works there either? 14 A. No, she took a position down there with 15 the distributor. She was in quality too, 16 and now she works in -- somewhere out in 17 Tennessee or Kentucky -- closer to 18 Kentucky. 19 Q. With a Hyundai supplier? 20 A. Yes. 21 Q. Do you know the name of the supplier? 22 A. I forgot. I used to. 23 Q. Do you keep in touch with her?</p>	<p style="text-align: right;">Page 73</p> <p>1 And then -- because Doris was living with 2 me and they discussed this kind of stuff 3 at work, her and Britt, all of them, they 4 told me what was going on. And, of 5 course, my husband worked in that same 6 department too. 7 Q. You said George was living with you? 8 A. Doris Alexander. 9 Q. Doris was living with you. 10 A. After Chris and I split up, she moved in 11 with me. 12 Q. Okay. So Doris Alexander told you that 13 the attorney at Hyundai called you a 14 criminal? 15 A. Yes. She told me -- well, as far as -- 16 she told me because Britt told her. I 17 already had heard it from Britt. 18 Q. Okay. So she didn't actually overhear the 19 attorney say that? 20 A. She heard it from Britt. 21 Q. Okay. And where is Britt living now? 22 A. I have not talked to Britt since -- the 23 last time I talked to Britt was maybe a</p>

19 (Pages 70 to 73)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 74</p> <p>1 year ago. All I know is she left Hyundai. 2 I don't know if she still lives here or 3 not. She could be still living in 4 Montgomery.</p> <p>5 Q. Was she married?</p> <p>6 A. No. She was not married and had three 7 kids.</p> <p>8 Q. Do you know where she was living when she 9 lived here in Montgomery?</p> <p>10 A. Off Atlanta Highway.</p> <p>11 Q. Do you know the address, street, anything 12 like that?</p> <p>13 A. No. It's off Atlanta Highway, and it's 14 right across from these apartments, the 15 only apartments on Atlanta Highway that 16 Hyundai rents out to, you know, let 17 employees live there. She lived right in 18 that area right over there, and I can't 19 think of it, in a house there.</p> <p>20 Q. Have you filed suit against Tommy Certain?</p> <p>21 A. I turned that over instead to EEOC. Like 22 I said, I wanted my money. That's why I 23 asked him to give me my money.</p>	<p style="text-align: right;">Page 76</p> <p>1 then.</p> <p>2 Q. Okay. Have you been arrested since then?</p> <p>3 A. Since?</p> <p>4 Q. August 5th, '06?</p> <p>5 A. No.</p> <p>6 Q. And where were you employed at the time of 7 your arrest?</p> <p>8 A. Wait a minute. Wait a minute, wait a 9 minute. What did you just ask me?</p> <p>10 Q. Have you been arrested since August 5, 11 '06?</p> <p>12 A. Yeah, yeah.</p> <p>13 Q. When?</p> <p>14 A. I sure have. July 11th.</p> <p>15 Q. Of '07?</p> <p>16 A. '07, yeah.</p> <p>17 Q. And what was that for?</p> <p>18 A. I moved to Texas, I signed up on eHarmony 19 in November 2006. EHarmony matched me up 20 with a gentleman according to my 21 background with working with kids and 22 everything. We raised money to help the 23 kids he said he was taking care of in this</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Have you gotten your money back yet?</p> <p>2 A. No.</p> <p>3 Q. Do you intend to sue Tommy Certain for 4 making these false claims against you?</p> <p>5 A. No, I am not intending to sue him. I want 6 Hyundai to make it right. Everybody knows 7 Tommy don't tell the truth. If Tommy was 8 telling the truth, then why did he come 9 back and recant his story? It was too 10 late; I was fired by what he said.</p> <p>11 Q. Okay. Have you ever been arrested any 12 other time?</p> <p>13 A. Not before this time when I got arrested.</p> <p>14 Q. So you've just been arrested the one time; 15 is that right?</p> <p>16 A. I've never been arrested before I got 17 arrested on August the 5th.</p> <p>18 Q. Of when?</p> <p>19 A. August the 5th.</p> <p>20 Q. 2006?</p> <p>21 A. Yes.</p> <p>22 Q. And that's the only time?</p> <p>23 A. I've never been arrested before until</p>	<p style="text-align: right;">Page 77</p> <p>1 division -- foster division, whatever. 2 And we would donate money to this guy and 3 that nonprofit organization, myself and my 4 daughter's coach and ex-in-laws. And this 5 guy was a fake. We asked for the money 6 back. He sent me a check back. I went to 7 my bank and said -- asked my bank was this 8 check any good. Well, deposit it. And so 9 -- but they said they'd have to hold it. 10 So it turned out the check was not any 11 good. It was a stolen check from out of 12 Florida, on which I called the police. 13 And the police thought I knew this guy, 14 and eHarmony has to come in and correct 15 that information.</p> <p>16 Q. So was that all squared away?</p> <p>17 A. Oh, yeah.</p> <p>18 Q. Where were you living at the time of that 19 arrest?</p> <p>20 A. Texas.</p> <p>21 Q. How long were you in jail?</p> <p>22 A. One day.</p> <p>23 Q. How long were you in jail in August of</p>

20 (Pages 74 to 77)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 78</p> <p>1 '06?</p> <p>2 A. Overnight, one day.</p> <p>3 Q. Are those the only two times you've been 4 arrested?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is that a yes?</p> <p>7 A. Yes, it is.</p> <p>8 Q. Did you file criminal charges in July of 9 '07 against anyone?</p> <p>10 A. Against that gentleman?</p> <p>11 Q. Uh-huh.</p> <p>12 A. I'm not supposed to -- well, to elaborate 13 on this, eHarmony and myself and the FBI 14 are working to catch this guy. He's 15 actually out of Nigeria. He was posted on 16 the eHarmony site as he lived in Memphis.</p> <p>17 Q. And did you file charges against this guy 18 at any time?</p> <p>19 A. I filed it through eHarmony. We don't 20 know where he's at.</p> <p>21 Q. Gotcha. And was your case dismissed for 22 having that stolen check?</p> <p>23 A. They -- it's totally cleared.</p>	<p style="text-align: right;">Page 80</p> <p>1 shoes and food and clothes. And, you 2 know, how could you go wrong with a guy 3 being on eHarmony, who do background 4 checks on people? But he was not the guy 5 he said he was. EHarmony found him out. 6 EHarmony took him off their website and 7 said they sent out incident tickets, and 8 they didn't notify me of it.</p> <p>9 Q. You were arrested there at the store?</p> <p>10 A. Yeah, after I called them.</p> <p>11 Q. You called --</p> <p>12 A. The police.</p> <p>13 Q. From the Ace check-cashing store?</p> <p>14 A. I sure did.</p> <p>15 Q. Located where?</p> <p>16 A. Bedford, right off of Centra.</p> <p>17 Q. Okay. Have you ever had a driver's 18 license in Alabama?</p> <p>19 A. Yes.</p> <p>20 Q. What is your number, or what was your 21 number?</p> <p>22 A. I don't know my number -- I don't know 23 what it was. It wasn't my social security</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Okay. And where was it that you were 2 arrested?</p> <p>3 A. In Texas.</p> <p>4 Q. Where in Texas?</p> <p>5 A. At A-C-E check cashing place.</p> <p>6 Q. I'm sorry. Help me again?</p> <p>7 A. Ace check cashing place. It was a store, 8 a check-cashing store.</p> <p>9 Q. Okay. So you weren't depositing the 10 check; you were cashing it at a 11 check-cashing store?</p> <p>12 A. Yeah. And then I asked the lady -- when 13 she said the numbers on the check were not 14 recognized by any bank -- it was written 15 on Washington Mutual bank. And I knew for 16 sure -- working in finance, I knew if the 17 routing number doesn't pull up, 18 something's wrong with that. So the young 19 lady gave me back the check, and I said 20 no, let's call the bank -- and that's 21 Washington Mutual -- was this check any 22 good. Because we had given this guy over 23 600-something dollars donated to kids for</p>	<p style="text-align: right;">Page 81</p> <p>1 number; it was a State ID assigned number.</p> <p>2 Q. Where else have you had a driver's 3 license?</p> <p>4 A. In Texas, Arkansas.</p> <p>5 Q. Anywhere else?</p> <p>6 A. No.</p> <p>7 Q. What is your Texas driver's license 8 number? Can you read the number to me?</p> <p>9 A. 25913465.</p> <p>10 Q. Okay. And your Arkansas driver's license, 11 what was it?</p> <p>12 A. I think it was my social security number.</p> <p>13 Q. Any other driver's licenses that you've 14 had?</p> <p>15 A. No.</p> <p>16 Q. Have you ever filed a lawsuit before this 17 one?</p> <p>18 A. As far as being in a car accident, no.</p> <p>19 Q. You were in a car accident?</p> <p>20 A. Yeah, back in 1992.</p> <p>21 Q. And where did you file suit?</p> <p>22 A. Arkansas.</p> <p>23 Q. What happened to that case?</p>

21 (Pages 78 to 81)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 82</p> <p>1 A. A drunken driver ran into me and crushed 2 my kneecap. 3 Q. Did it go to trial? 4 A. No. 5 Q. It was settled out of court? 6 A. Yes. It was settled with the insurance 7 company. 8 Q. What county in Arkansas was that filed in? 9 A. St. Francis. Forrest City, that's St. 10 Francis County. My attorney was out of 11 Little Rock. 12 Q. Okay. Who was your attorney? 13 A. Neal Opalm. 14 Q. Can you spell that? 15 A. N-E-A-L. And Opalm, it was O-P-A-L-M. 16 Q. Okay. So that's the only other lawsuit 17 that you've ever filed? 18 A. That I can remember, yes. 19 Q. You've never sued anybody else? 20 A. No. 21 Q. Have you ever been sued? 22 A. No. 23 Q. Have you ever filed bankruptcy?</p>	<p style="text-align: right;">Page 84</p> <p>1 was going to work for EDS. My three 2 months assignment was coming up -- I was 3 only temporary for three months. I didn't 4 even return after that. I talked to 5 Theresa there at Kelly Services -- and I 6 can't think of her last name. She was my 7 only contact there. National Seating 8 never asked me not to come back. They 9 never said anything to me. I was gone 10 already. 11 Q. I just misunderstood, then. I'm sorry. 12 Thank you for squaring me away. 13 A. I don't know where you misunderstood that 14 from, but you didn't hear it from me. 15 Q. Okay. You only had a three-month 16 temporary assignment there at National 17 Seating? 18 A. That's correct. 19 Q. And was it after the three months or 20 before the three months -- 21 A. It was before my three months ended that I 22 left. 23 Q. Why did you leave?</p>
<p style="text-align: right;">Page 83</p> <p>1 A. No. 2 Q. Have you ever filed a workers' 3 compensation claim? 4 A. No. 5 Q. Have you ever filed an insurance claim for 6 a loss to your home or car? 7 A. No. I never had a home. 8 Q. And as I understand it, all the jobs that 9 you went through, the only one that you've 10 been fired from was Hyundai? 11 A. Dismissed from Hyundai, yes. 12 Q. Okay. You were not actually an employee 13 of National Seating? 14 A. I worked at Kelly Services. 15 Q. And when National Seating asked that you 16 not be sent back -- 17 A. They didn't. 18 Q. They didn't? 19 A. No, they did not. 20 Q. Well, tell me what happened. 21 A. I was already gone. I had already started 22 a position. They never -- I called Kelly 23 Services and told Kelly Services that I</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I moved to a permanent position. I was 2 interviewing all the time I was working 3 there. 4 Q. And where did you leave to go to work? 5 A. I went to EDS, Electronic Data System. 6 Q. Where is EDS? 7 A. In Montgomery, Alabama. 8 Q. What does EDS do? 9 A. It's a Medicaid provider with the State of 10 Alabama. They work with providers also, 11 and they work with recipients on Medicaid, 12 Medicare, any kind of benefits that's run 13 from the State. So they work both ways, 14 with the doctors and also with the 15 recipients. 16 Q. Is EDS a private company? 17 A. EDS was actually, as I understand it, came 18 into effect by -- I can't think of his 19 name that was -- 20 Q. Ross Perot? 21 A. That's correct -- running for president, 22 yes. 23 Q. Okay. And it still remains a private</p>

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 86

1 company today?
 2 A. I don't know what EDS is right now since
 3 I've been gone.
 4 Q. Did you leave EDS on good terms?
 5 A. Yes.
 6 Q. How long did you work at EDS?
 7 A. For nine months, until I got on with
 8 Hyundai.
 9 Q. So why did you leave National Seating?
 10 A. Why did I leave National Seating?
 11 Q. Or why did you tell Kelly Services you
 12 didn't want to be assigned to National
 13 Seating anymore? I'm sorry.
 14 A. Theresa and I had a conversation almost
 15 two weeks before I even left, and it was
 16 the first -- beginning of June. A little
 17 bit of uncomfortableness here. There was
 18 some subscriptions coming in that didn't
 19 have no dates on them, and how would
 20 Medicaid know they were within the
 21 guidelines if they didn't have any dates
 22 on them. So I asked Emily, what was the
 23 date, and she said put a date on it. I

Page 88

1 and put it on there?
 2 A. I don't know. I left that alone.
 3 Q. So you don't know what happened to it
 4 after you talked to Emily about that?
 5 A. No. I never asked.
 6 Q. How many times did that conversation with
 7 Emily take place?
 8 A. We talked about that twice.
 9 Q. And do you remember the name of the
 10 patient or the customer of NSM?
 11 A. No, I don't. It's -- I don't.
 12 Q. Okay. So there were two different times
 13 that occurred? Did Emily say the
 14 same thing each time?
 15 A. No. The second time she said, don't worry
 16 about it; I'll get the dates. It was my
 17 responsibility to make sure everything was
 18 in the correct way with the dates on it,
 19 the progress notes, the doctor orders and
 20 everything, and they had a date on it. If
 21 they didn't have a date on it, Medicaid
 22 would send it back. That's how they
 23 determined the 60 days cutoff.

Page 87

1 said I'm not putting a date on it.
 2 Q. My question to you was, why did you tell
 3 Kelly Services that you did not want to
 4 continue working at NSM?
 5 A. That's what I told Kelly Services --
 6 Theresa.
 7 Q. You told Theresa at Kelly Services that
 8 you had some subscriptions without dates
 9 on them --
 10 A. I said there was some irregularities in
 11 filing Medicaid claims. Some of the
 12 subscriptions don't have dates on them,
 13 and I feel very uncomfortable being asked
 14 to put dates on them.
 15 Q. Okay. So -- and what did Emily say about
 16 the date?
 17 A. Emily -- after she asked me to put a date
 18 on it and I said I was not going to, Emily
 19 said don't worry about it; she'll get it
 20 and put a date -- she'll find out what the
 21 date was. So I left it there.
 22 Q. So you left it alone, and then to your
 23 knowledge, Emily would find out the date

Page 89

1 Q. Okay. What would happen at the end of 60
 2 days.
 3 A. You have to go back and re-evaluate that
 4 child again, re-evaluate that child for
 5 the chair, had to get them into a Children
 6 Rehab Services to do a whole new
 7 assessment.
 8 Q. Were there only the two orders that didn't
 9 have dates on them?
 10 A. Are you talking about -- I'm talking about
 11 subscriptions that don't have dates on
 12 them.
 13 Q. Right.
 14 A. No, that wasn't the only subscription I
 15 saw without any dates on it -- or
 16 prescription I saw.
 17 MR. WALKER: Are you saying
 18 subscription or
 19 prescription?
 20 THE WITNESS: Prescription.
 21 MR. WALKER: With a P?
 22 THE WITNESS: With a P.
 23 MR. WALKER: Thank you.

23 (Pages 86 to 89)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 90	Page 92
<p>1 Q. How many prescriptions did you see without 2 dates on them?</p> <p>3 A. I can't tell you how many I saw without 4 dates on them. All I know is that I 5 started sending them to Medicaid and they 6 started sending them back, asking for 7 dates.</p> <p>8 Q. How many times did that happen?</p> <p>9 A. Well, they sent them back in bulk -- 10 batches. I don't know how many times they 11 sent them back, but I know on most every 12 different occasion I got them back before 13 I left. And I talked to one of the PTs 14 who actually didn't have any prescriptions 15 -- he didn't have dates on his 16 prescriptions at all. It was Michael 17 Maddox, and he was with the Dothan 18 Children Rehab Services clinic there, who 19 assesses the child for the wheelchair. 20 And I would call and ask what is the date, 21 and he told me that Emily said don't ever 22 put any dates -- Emily and Don said don't 23 ever put any dates on the prescription.</p>	<p>1 Q. Anything wrong with Danielle telling you 2 that you need to get dates?</p> <p>3 A. I don't see the patient, so how am I going 4 to get dates? And then I call for dates, 5 and then they tell me that they said don't 6 put dates on them -- they were told not to 7 put dates on there, so -- you know, I go 8 to Danielle, then I go to Emily, then I 9 call the PT. What am I supposed to do, go 10 to the clinic? They're not putting the 11 dates on there. I don't assess that 12 child; the PT does; the doctors do; the 13 nurses do. So I called all over trying to 14 get a date. And if -- I'm not putting a 15 date on there. That's the way I'm going 16 to do it. They need to put the date on 17 there or send me a new prescription with 18 the date. I'm not doing it. I wasn't 19 going to do it.</p> <p>20 Q. Well, let's start at the beginning, then. 21 Who writes the prescription?</p> <p>22 A. There are a series of people who write a 23 prescription. A PT actually assesses the</p>
Page 91	Page 93
<p>1 So I left it alone.</p> <p>2 Q. Did he tell you that anybody else said 3 that, or was it just Emily and Don?</p> <p>4 A. He only worked with Emily and Don.</p> <p>5 Q. My question to you, did he say that --</p> <p>6 A. I didn't ask about anybody else. I only 7 worked for Emily and Don.</p> <p>8 Q. Did you ever report what you're describing 9 as prescriptions without dates to anyone 10 other than Emily and Don?</p> <p>11 A. Danielle in Nashville -- and I don't 12 remember her last name, but she was the 13 regional manager or Emily and Don -- when 14 she'd call and ask, said, you need to 15 hurry up and get these claims to be 16 billed; they're on the file too long. And 17 I said, well, I can't do anything without 18 any dates.</p> <p>19 Q. And what did she say?</p> <p>20 A. Well, you're the administrative assistant; 21 you need to tell Emily and Don that they 22 need to get dates. So I'm in the middle 23 between that.</p>	<p>1 child. For whatever the child's 2 disability, the doctor has to see it and 3 determine, does this child need a certain 4 type of wheelchair? When he determines 5 what type of wheelchair this child needs, 6 he goes to the PT. The PT determines what 7 type of attachments, what type of 8 equipment this child needs according to 9 their disability. Then from the PT, it's 10 a progress note that's written in there by 11 the doctor with the same date. There's a 12 progress note written by the PT telling 13 about the assessments. So it goes through 14 a whole sequence of people.</p> <p>15 Q. Let me see if I understand you. The 16 prescription originates from a child going 17 to a doctor when that child needs a 18 wheelchair or needs to be assessed for a 19 wheelchair; is that correct?</p> <p>20 A. These were children -- that's correct. 21 These were children who actually their 22 only capability of getting around was 23 their wheelchair.</p>

24 (Pages 90 to 93)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 94</p> <p>1 Q. Okay. So the doctor would send the child 2 to a physical therapist and ask the 3 physical therapist to determine exactly 4 what type of wheelchair works best for 5 that child?</p> <p>6 A. They actually go to a clinic. This was a 7 clinic the doctor works in, so actually, 8 the physical therapist was located in that 9 clinic also. The PT and the social 10 worker, all of them were located in there 11 together. So all the assessments and all 12 the -- the social worker that they deal 13 with, all of this is done in the same day 14 when the child is in that clinic.</p> <p>15 Q. What clinic are you talking about?</p> <p>16 A. There's several clinics. There's one in 17 Dothan; there's one in Opelika; there's 18 one in Montgomery. Children Rehab 19 Services; it's all clinics.</p> <p>20 Q. Is the Dothan one -- what's the name of 21 the Dothan one?</p> <p>22 A. Children Rehab Center of Dothan, Alabama.</p> <p>23 Q. What's the one in Montgomery?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. No.</p> <p>2 Q. Was there ever one that you got without a 3 date from Opelika?</p> <p>4 A. I -- you know, I didn't just actually just 5 look at it from Opelika or anything like 6 that. The one I noticed -- because Jerry 7 -- first of all, Jerry Sanders worked at 8 the one here, so Jerry Sanders did his 9 own. Jerry Sanders was in Medicaid, and 10 he worked with Emily together. They go to 11 clinics together; they go see a child 12 together on certain days of the week. So 13 I never got to see those at all, because 14 Jerry Sanders gave those directly to Emily 15 and Emily worked on them.</p> <p>16 Q. Is Jerry Sanders a Medicaid employee?</p> <p>17 A. Jerry Rogers, I'm sorry. Yeah, he's a 18 Medicaid employee.</p> <p>19 Q. So you never saw any prescriptions from 20 Montgomery that did not have a date?</p> <p>21 A. I never saw those, period. They were 22 never given to me.</p> <p>23 Q. Okay. Opelika, did you ever see any of</p>
<p style="text-align: right;">Page 95</p> <p>1 A. Children Rehab Center in Montgomery, 2 Alabama.</p> <p>3 Q. And the one in Opelika?</p> <p>4 A. Same, Children Rehab Services in Opelika.</p> <p>5 Q. Did you receive prescriptions from any 6 other entities or individuals other than 7 those three?</p> <p>8 A. The only one that I talked with was Mike 9 Maddox. I received a prescription from -- 10 I'm sure from all of them.</p> <p>11 Q. Any other clinics that you received 12 prescriptions from --</p> <p>13 A. Yes.</p> <p>14 Q. -- for wheelchairs for children?</p> <p>15 A. Yes.</p> <p>16 Q. What?</p> <p>17 A. All three of those clinics. Just that. 18 No other besides them.</p> <p>19 Q. Okay. Those are the only three?</p> <p>20 A. Those are the only three that I worked 21 with.</p> <p>22 Q. Of those three, did all of them come in 23 without dates on them?</p>	<p style="text-align: right;">Page 97</p> <p>1 those prescriptions without a date?</p> <p>2 A. You know, I could have. I just don't 3 remember.</p> <p>4 Q. Do you recall today having seen a 5 prescription from Opelika --</p> <p>6 A. I don't know --</p> <p>7 Q. Let me finish my question, please, ma'am, 8 or we'll never have a clean record. Do 9 you remember as you sit here today ever 10 seeing a prescription from Opelika --</p> <p>11 A. What did you say?</p> <p>12 MS. NICKSON: Hold on.</p> <p>13 Q. I said let me finish asking my question 14 before you answer or we'll never have a 15 clear record here.</p> <p>16 MS. NICKSON: Okay. Could I -- 17 Elizabeth, let the counselor 18 finish --</p> <p>19 THE WITNESS: I didn't understand 20 what he said.</p> <p>21 MS. NICKSON: -- the question. 22 Okay. But just let him -- 23 what he's saying is that the</p>

25 (Pages 94 to 97)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

	Page 98		Page 100
1	court reporter cannot record	1	A. I don't remember. But I've talked to
2	your statement and his	2	several of them in different clinics on
3	statement if you're talking	3	several different things -- dates or
4	simultaneously, okay, so let	4	progress notes or even estimates. There's
5	him finish the question,	5	a lot of things that I talked to them
6	then you answer.	6	about, but I just know that some things
7	Q. As you sit here today, do you ever recall	7	7 that didn't have a date -- only one that I
8	receiving a prescription from Opelika that	8	8 noticed that didn't have a date on it was
9	did not have a date on it?	9	9 on two prescriptions at that time, and
10	A. I don't remember.	10	10 that was Mike Maddox. I don't know of
11	Q. Are you saying that whatever prescriptions	11	11 anything other than that.
12	you saw without dates came from Dothan?	12	Q. Okay. And these two prescriptions from
13	A. I'm not saying that.	13	13 Mike Maddox, those are the ones that you
14	Q. What are you saying?	14	14 talked to Emily about?
15	A. I'm saying that when I came across one of	15	A. Yeah.
16	those prescriptions that didn't have a	16	Q. And when you spoke with Emily, what did
17	date on it, it was Mike Maddox being the	17	she say?
18	PT.	18	A. Emily told me the first time, well, go
19	Q. Mike Maddox was the only PT that provided	19	19 ahead and put this date on there. I said,
20	you with prescriptions that had no dates?	20	20 no, I'm not going to; you put the date on
21	A. I'm not saying that either.	21	21 it. The second time Emily said, don't
22	Q. What are you saying?	22	22 worry about it; she'll take care it; just
23	A. I'm saying that is the only one that I	23	23 put the chart on her desk. So I never
1	noticed was from Mike.		
2	Q. And how many did you notice from Mike?	1	asked any other questions about it, no.
3	A. Well, I talked to Mike twice.	2	Q. Okay. And as you sit here today, you do
4	Q. Is that to say that he had two	3	3 not know the names of the patients that
5	prescriptions without dates?	4	4 these concerned?
6	A. To say that, can you provide me a	5	A. No.
7	prescription with a date.	6	Q. Did you and Emily ever discuss dates
8	Q. You called Mike Maddox and said, Mike, can	7	7 again?
9	you provide me with a prescription with a	8	A. No. After Mike Maddox told me that the
10	date?	9	9 second time --
11	A. Yeah. I told him I was going to the chart	10	Q. I'm talking about Emily. Did you and
12	to get it sent off to Medicaid, and I	11	11 Emily ever discuss --
13	noticed there was a prescription without a	12	A. Well, there was no reason for me to.
14	date; can you fax me the prescription with	13	Q. Okay. Now, you had a conversation with
15	a date.	14	14 Mike Maddox when you called back about one
16	Q. And that happened two times?	15	15 of these dates; is that right?
17	A. I talked to him twice, yes.	16	A. Yes.
18	Q. Okay. And was it concerning two	17	Q. And at that time -- do you remember -- I
19	prescriptions, two separate prescriptions?	18	18 guess it was the first prescription that
20	A. Two separate.	19	19 you called him back that didn't have a
21	Q. Is there anyone else that you spoke with	20	20 date on it?
22	about prescriptions that did not have	21	A. I don't remember if it was the first or
23	dates?	22	22 second. Well, it could have been the
		23	23 first one because --

26 (Pages 98 to 101)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 102</p> <p>1 Q. But you don't remember?</p> <p>2 A. It could have been the first one, because</p> <p>3 I probably didn't even notice it until</p> <p>4 Medicaid sent it back to me. I -- I think</p> <p>5 it was. Medicaid sent it back to me, and</p> <p>6 they always -- it goes to EDS, and EDS</p> <p>7 sent it back and said, this is what's</p> <p>8 missing. And that's when I looked and</p> <p>9 said, well, okay, there's no date on it.</p> <p>10 They're the ones that informed me there</p> <p>11 was no date on it.</p> <p>12 Q. And is that what caused you to call Mike</p> <p>13 Maddox?</p> <p>14 A. Yes.</p> <p>15 Q. What did you and Mike discuss?</p> <p>16 A. Can you fax me a prescription of the day</p> <p>17 he wrote for that child -- can you fax it</p> <p>18 to me with a date on it. Can you give me</p> <p>19 the same prescription with a date on it.</p> <p>20 Q. And what can he say?</p> <p>21 A. He told me that Emily and Don said never</p> <p>22 put any dates on there, that he never had</p> <p>23 been putting any dates on it.</p>	<p style="text-align: right;">Page 104</p> <p>1 after --</p> <p>2 Q. So Danielle would say, we've got this out</p> <p>3 standing charge here?</p> <p>4 A. We've got this outstanding chart that</p> <p>5 needs to be sent to Medicaid and we need</p> <p>6 to get it approved so we can put it on the</p> <p>7 books and do a data of how many sent out</p> <p>8 in the same day, what is the estimate,</p> <p>9 everything. It calculates in the</p> <p>10 computer. So you have to go into the</p> <p>11 computer and say, I sent it to Medicaid,</p> <p>12 and it calculates the total of it, you</p> <p>13 know, the chair and the estimates and</p> <p>14 everything. But you have to put all that</p> <p>15 stuff in there.</p> <p>16 Q. Okay. And the discussion of dates came up</p> <p>17 with Danielle?</p> <p>18 A. Yeah, I told Danielle. She asked me about</p> <p>19 that chart, that one chart. And I said,</p> <p>20 well, it doesn't have a date on it, so --</p> <p>21 and she said, well, you're the</p> <p>22 administrative assistant; you need to tell</p> <p>23 Emily and Don that, you know, to get that</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. What else did y'all discuss?</p> <p>2 A. Nothing else. I said okay.</p> <p>3 Q. Did you ever talk to him again?</p> <p>4 A. No, I never talked to Mike again.</p> <p>5 Q. And you said that you reported to Danielle</p> <p>6 one time about dates?</p> <p>7 A. Danielle would do progress on what's been</p> <p>8 -- you know, what's -- like a report of</p> <p>9 what they received from Medicaid on each</p> <p>10 branch they had, how many they have</p> <p>11 outstanding, how many have been approved,</p> <p>12 you know, their quota, what quota they</p> <p>13 have to meet for each month and all that</p> <p>14 necessary stuff. And so when there's a</p> <p>15 charge that's been outstanding from there,</p> <p>16 then she'll call me and say, hey, we need</p> <p>17 to get this chart done. Taking into</p> <p>18 effect that I was coming in after a young</p> <p>19 lady who worked there a year before me</p> <p>20 permanently, so I was actually working on</p> <p>21 some of her old charts. Chasely Weeks.</p> <p>22 Q. What -- what --</p> <p>23 A. And I was hired temporary in her position</p>	<p style="text-align: right;">Page 105</p> <p>1 date on there; Emily needs to get that</p> <p>2 date. I said, I'll tell Emily. So I left</p> <p>3 it alone.</p> <p>4 Q. You said, tell Emily yourself?</p> <p>5 A. No. I said, I told -- I've spoken to</p> <p>6 Emily. And Danielle said, then I will</p> <p>7 speak to Emily.</p> <p>8 Q. Okay. Is that the end of that</p> <p>9 conversation?</p> <p>10 A. Yeah.</p> <p>11 Q. So you didn't tell Danielle in that</p> <p>12 conversation that Emily had told you to</p> <p>13 put a date on it?</p> <p>14 A. No. I told -- that was the first -- I</p> <p>15 never talked to Danielle until she called,</p> <p>16 and she only talked to me about one first</p> <p>17 thing. Emily -- I found out from Mike</p> <p>18 Maddox on the second phone call that I</p> <p>19 called him and he told me that -- don't</p> <p>20 put a date on it. Danielle called me</p> <p>21 about the first one -- it had been on</p> <p>22 their books for about a year before I even</p> <p>23 started, and then -- I didn't even know</p>

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 106</p> <p>1 about it until she told me to pull the 2 chart, and it had on there it didn't have 3 a date on it. And when I talked to Emily 4 about it, Emily said, put a date on it. 5 And I said -- and Danielle said, tell 6 Emily that she needs to go and get a date 7 -- what date the child can was in there. 8 And I said, I told Emily, and then she 9 said she'll talk to Emily. That was the 10 very first time. I hardly ever spoke to 11 Danielle at all. When I talked to Mike 12 Maddox again, the second time about 13 another date, that's when he told me, and 14 after that, I was gone two days later. I 15 never talked to Danielle again about that.</p> <p>16 Q. Okay. You never reported to Danielle that 17 Mike Maddox said --</p> <p>18 A. I was gone two days later. I wasn't 19 getting involved in that.</p> <p>20 Q. Were there any other irregularities, as 21 you've described them, with the orders?</p> <p>22 A. As far as an order that one of them didn't 23 have a strap across a child. A child fell</p>	<p style="text-align: right;">Page 108</p> <p>1 and rolled down the hill. He weighed 360 2 pounds. And the father called -- and I 3 answered the phone call -- tell me what 4 happened. And the police had to come and 5 help get him up out of the street because 6 he was so heavy. And they had to go out 7 there and -- still had to go out there and 8 work on the chair and put a strap on it.</p> <p>9 Q. So is that two chairs that didn't have 10 straps on them?</p> <p>11 A. There were only two that were brought to 12 my attention because they called.</p> <p>13 Q. Any other irregularities?</p> <p>14 A. Don built the chairs. I wouldn't even 15 know about anything wrong with the chairs 16 unless the customer -- or their mother or 17 somebody called. And I'd have to put it 18 on a note and give it to them.</p> <p>19 Q. Were there any other issues regarding 20 paperwork that was filed with Medicaid or 21 Medicare?</p> <p>22 A. They would send it back. So all I know is 23 Jerry -- there was another Jerry Sanders</p>
<p style="text-align: right;">Page 107</p> <p>1 out of the chair and cracked his skull 2 because they didn't have a strap on him.</p> <p>3 Q. Okay. Any others?</p> <p>4 A. And -- the only one I can remember, 5 another irregularity, was a father -- this 6 father or somebody that ran some kind of a 7 home for kids --</p> <p>8 Q. A father ran a home for kids?</p> <p>9 A. It's some kind of place where --</p> <p>10 MR. WALKER: St. Jude's?</p> <p>11 A. It's somewhere in Montgomery where people 12 -- kids stay there. And this one guy, all 13 I knew, his name was Robert, and he 14 weighed -- because Don told me about him. 15 He weighed about 360 pounds, and his name 16 was -- he lived in this place, and I hear 17 him talking about Father --</p> <p>18 MR. WALKER: Manuel?</p> <p>19 THE WITNESS: Yeah, Manuel.</p> <p>20 Father Manuel.</p> <p>21 A. And the day that Don went there before I 22 left, to give him his chair, he didn't 23 have a strap on it, and he fell out of it</p>	<p style="text-align: right;">Page 109</p> <p>1 before he left. He'll call and say, they 2 only sent me one estimate; I need three 3 estimates from three different companies 4 giving an estimate about a wheelchair; I 5 need another estimate. Or this 6 prescription in his account is too old; we 7 need to get a new subscription -- or 8 prescription, excuse me. Jerry Sanders 9 worked with them a lot. Jerry Rogers 10 approved National Seating. And Emily gave 11 me names that she needed extensions on and 12 told me who to call, so I have to call 13 Felicia Barrow and ask for an extension. 14 And they asked for a reason, and Emily 15 said because -- she wrote down because the 16 mother wasn't in the clinic or the child 17 didn't show up in the clinic or whatever. 18 And as I recall, I think I told 19 Danielle about Robert, the one that fell 20 out of the chair, because she called there 21 one day asking for Don. I said, well, 22 Father -- somebody called and said he 23 rolled down the hill out of his</p>

28 (Pages 106 to 109)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 110</p> <p>1 wheelchair, and Don had to go out there 2 and take care of his wheelchair. So I 3 remember mentioning that to Danielle. 4 Q. Okay. So you said that Emily would give 5 you names of patients that National 6 Seating needed an extension on? 7 A. Some of them, when it's been sitting there 8 for a long time that she said Chasely 9 Weeks didn't complete, she'll say, tell 10 them I need an extension on it. And she'd 11 write it on a piece of paper, and I'd have 12 to call Felicia and fax it over to her. 13 Emily would write it down on a piece of 14 paper, and then I'd fax it over to her. 15 Q. What would Emily write on a piece of 16 paper? 17 A. She had all the names and the reason why. 18 Q. And do you question whether the reasons 19 were valid reasons? 20 A. No, I -- no. There was no reason for me 21 to. 22 Q. I mean was there anything dishonest about 23 what Emily did, asking for an extension?</p>	<p style="text-align: right;">Page 112</p> <p>1 the wheelchairs were there; they were 2 loaned out to some of their friends. 3 Q. Who were they loaned out to? 4 A. Don told me one lady that's been a 5 customer of theirs -- I can't remember her 6 name, but her husband owns so much stuff 7 here in Montgomery, and he had a special 8 wheelchair that he needed. And another 9 place, this Mother Theresa -- some Theresa 10 lady kept calling about a wheelchair, and 11 they had a big discrepancy about that, Don 12 and Emily and she did. The wheelchair was 13 actually -- it was loaned out to somebody 14 else and that child needed that wheelchair 15 that was in that home. Because I can 16 remember Mother -- I guess Sister Theresa 17 called and checked on the information they 18 gave her and it wasn't -- that Emily and 19 Don provided to her, and it wasn't 20 correct. So they had a big discrepancy 21 and then Emily said that she was not going 22 to deal with any of her patients anymore; 23 she just wasn't going to do it.</p>
<p style="text-align: right;">Page 111</p> <p>1 MS. NICKSON: Object to the form. 2 A. Repeat that. 3 Q. Is there anything wrong with asking for an 4 extension? 5 A. No, there's nothing wrong with asking for 6 an extension, not that I know of. That's 7 the Medicaid policy, so... 8 Q. You have to ask for an extension if the 60 9 days has come and the wheelchair has not 10 been delivered; is that correct? 11 A. Yes, but what is the reason for them not 12 to have a wheelchair in 60 days? 13 Q. I don't know. I'm asking you. 14 A. See, those were charts that Chasely Weeks 15 had. The charts that I actually worked on 16 were some old that Chasely had. One old 17 one I noticed there was no prescription 18 date on that. The new ones that came in, 19 there was no valid reason for that. 20 Q. No valid reason for what? 21 A. Asking for an extension. 22 Q. Why do you say there was no valid reason? 23 A. Because there was on two occasions where</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. The process of asking for an extension, 2 it's a process that's built into the whole 3 procedure for getting Medicaid to pay for 4 things, isn't it, if you haven't delivered 5 a wheelchair in time? 6 A. Well, Medicaid -- it's in their policy; 7 they want to know the reason. It's 8 Medicaid's responsibility to check up on 9 the reasons if they want to do so. 10 Q. Is it true that when an order or a 11 prescription is placed for a wheelchair, 12 that that wheelchair is supposed to be 13 delivered within 60 days? 14 A. Yes. 15 Q. And if it's delivered within -- 16 A. Approved or delivered within 60 days. 17 Q. Okay. Approved by Medicaid and delivered 18 within 60 days, correct? 19 A. Yes. They can give a pre-approval so they 20 can go ahead and order their equipment. 21 And all that just takes place within 60 22 days. 23 Q. Okay. If the wheelchair is not delivered</p>

29 (Pages 110 to 113)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 114</p> <p>1 within 60 days, National Seating has to 2 seek an extension on the original order or 3 they've got to go out and get a whole new 4 prescription; is that correct?</p> <p>5 A. They have to go back and -- period. If 6 they're not even -- if -- only way they 7 can get an extension, if the wheelchair is 8 there and she says that, you know, the 9 mother wasn't in the clinic, whatever. 10 That's the only way they can get an 11 extension. Now, as far as the other way 12 --</p> <p>13 Q. Is it the wheelchair is there but has not 14 been delivered?</p> <p>15 A. And they tried to make several attempts to 16 deliver it, to the mother, at the clinic, 17 for the child.</p> <p>18 Q. Okay. So it's in the shop but can't -- 19 for some reason can't be delivered?</p> <p>20 A. The mother doesn't show up at the clinic 21 with the child in order to place it, or 22 there's been other incidents where I know 23 that maybe one of the providers who</p>	<p style="text-align: right;">Page 116</p> <p>1 faxed to Medicaid -- 2 A. To -- yeah, to the prior approval 3 department.</p> <p>4 Q. And the prior approval department was run 5 by Felicia Brown?</p> <p>6 A. Felicia Barrow. She was the director.</p> <p>7 Q. I'm sorry, Barrow. So it wouldn't go to 8 her, then?</p> <p>9 A. Yeah, she'd get some extensions that were 10 very, very crucial, because Emily said, 11 fax it directly to her and tell her, you 12 know, this is very crucial. Only crucial 13 stuff that she needed an immediate 14 extension on, she told me to fax it 15 directly to Felicia. And Felicia would 16 give it to whoever was working on that 17 patient or had that patient in Medicaid, 18 their social rep, whatever, like Jerry 19 Sanders or Jerry Rogers.</p> <p>20 Q. Are those two different people?</p> <p>21 A. They are.</p> <p>22 Q. Okay. Felicia Barrow would consider the 23 extension and grant it or deny it, and if</p>
<p style="text-align: right;">Page 115</p> <p>1 provided parts for the wheelchair had it 2 on back delay.</p> <p>3 Q. Okay. Give me some other examples for why 4 an extension might be necessary.</p> <p>5 A. Those are ones that I came across. Now, 6 as far as having the wheelchair there and 7 you just don't deliver it, then that's 8 when Medicaid asks why did they get 9 delivery tickets themselves.</p> <p>10 Q. I'm sorry. I'm not following. What?</p> <p>11 A. Now, as far as having the wheelchair there 12 and the reason why they have not delivered 13 and Emily hasn't provided them with any 14 information as far as the mother was not 15 there or the child was not there, then 16 Medicaid will show that -- they get a 17 delivery ticket showing that it was 18 delivered, and sometimes it wasn't 19 delivered at that time. So they start 20 questioning them. I was out of the loop 21 on that.</p> <p>22 Q. Okay. So when an extension was sought, 23 the request for an extension would be</p>	<p style="text-align: right;">Page 117</p> <p>1 she granted it, she would send it on?</p> <p>2 A. She has to go to the Medicaid person who 3 is working with that child and look 4 through all the documents or they'd have 5 to provide her with something before she 6 would grant it.</p> <p>7 Q. Who is they?</p> <p>8 A. Jerry Sanders or Jerry Rogers.</p> <p>9 Q. So Jerry Sanders or Rogers --</p> <p>10 A. There were others too that worked out -- 11 those two names are the ones that come to 12 -- because I worked with them -- Jerry 13 Sanders a lot. I worked with him in 14 Medicaid.</p> <p>15 Q. So Jerry Sanders and Jerry Rogers would be 16 the ones who would have to give Felicia 17 Barrow the information necessary to grant 18 the extension?</p> <p>19 A. Sometimes; sometimes not.</p> <p>20 Q. Well, who else would give --</p> <p>21 A. Sometimes Felicia would go off of what 22 Emily would write on that piece of paper.</p> <p>23 Q. Okay. And I'm still trying to find out</p>

30 (Pages 114 to 117)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 118</p> <p>1 what you're saying. Are you saying that 2 Emily knowingly gave false information to 3 Medicaid about why deliveries hadn't taken 4 place?</p> <p>5 A. I'm not saying that.</p> <p>6 Q. Are you saying that Don Williams knowingly 7 gave false information to Medicaid about 8 why chairs hadn't been delivered?</p> <p>9 A. I'm not saying that either.</p> <p>10 Q. I don't understand what you're saying 11 then.</p> <p>12 A. I'm saying that I only faxed what they 13 told me to. I didn't even know any of 14 this stuff until after -- they contacted 15 me six months after I had left there.</p> <p>16 Q. Who contacted you six months after you 17 left?</p> <p>18 A. Medicaid contacted me.</p> <p>19 Q. Why?</p> <p>20 A. Because they found some discrepancy in 21 their billing, so they contacted me and 22 they tried to get ahold of Chasely Weeks 23 who worked there before me. I was only a</p>	<p style="text-align: right;">Page 120</p> <p>1 So they went back and looked at some of 2 their paperwork that was submitted, 3 because you have to write your name on 4 there. So they know -- my name was on 5 some of the documents that they approved I 6 had worked with, and Chasely Weeks' name 7 was on some. So they contacted me and 8 found me six months later. So I never 9 started an investigation. I didn't even 10 know it was going on.</p> <p>11 Q. Do you remember when it was that you were 12 first contacted? You're saying six 13 months, but do you remember --</p> <p>14 A. Maybe six months. Because I went -- I 15 left EDS; I started Hyundai in February of 16 2005. I was working at EDS. I started 17 EDS in July, because I left -- they hired 18 me permanently. That's when I left them 19 -- well, that's when I quit my temporary 20 job. So --</p> <p>21 Q. So you were working at EDS in July of 22 2004?</p> <p>23 A. 2000 --</p>
<p style="text-align: right;">Page 119</p> <p>1 temporary assignment.</p> <p>2 Q. Well, who had started the investigation 3 with Medicaid?</p> <p>4 A. I have no idea. I was gone.</p> <p>5 Q. Didn't you actually start the Medicaid 6 investigation?</p> <p>7 A. No, sir, I did not.</p> <p>8 Q. Didn't you report to Medicaid that there 9 were some discrepancies going on?</p> <p>10 A. I never told Medicaid nothing. I left 11 there and didn't tell them anything. And 12 that was stated in court, when we went to 13 court in September. I never said 14 anything.</p> <p>15 Q. Well, how is it that Medicaid came to 16 contact you?</p> <p>17 A. Because some of the things -- Felicia 18 talked to me during the time I worked 19 there on my temporary assignment. A lot 20 of things I faxed over to her, she would 21 call and say she received them or 22 whatever, and she got my name. Chasely 23 Weeks worked there a year before I did.</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. 5?</p> <p>2 A. -- 4. Yeah, because I started -- I moved 3 here in 2004. Yeah. So I went to EDS in 4 July of that same -- yeah, I did.</p> <p>5 Q. Okay. And did you --</p> <p>6 A. So I can remember -- I'm not quite for 7 sure, but the first time I was ever 8 contact about someone like that was about 9 -- and from my understanding was -- it was 10 Cliff Johnson. And they had had an 11 ongoing investigation on them because 12 Chasely Weeks had called them about some 13 -- Chasely Weeks started it. She called 14 them about something, and then she got 15 fired or whatever. So they were trying to 16 locate Chasely Weeks, and then they 17 noticed that I took the temporary position 18 after she was gone, and so they located me 19 through Kelly Services, actually. And --</p> <p>20 Q. So they never could find Chasely?</p> <p>21 A. From my understanding, they -- it was 22 another investigator who found her later.</p> <p>23 Q. In the meantime, Cliff Johnson had found</p>

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 122</p> <p>1 you?</p> <p>2 A. Yeah, they called me.</p> <p>3 Q. And were you still at EDS at the time, or</p> <p>4 had you already started at Hyundai?</p> <p>5 A. I was working at Hyundai.</p> <p>6 Q. And what did Cliff Johnson tell you?</p> <p>7 A. Well, he just said that -- it was Cliff</p> <p>8 Johnson and Felicia Barrow. They had run</p> <p>9 up on some paperwork that was not -- that</p> <p>10 didn't have any dates on it or whatever</p> <p>11 and they had talked to Mike Maddox and</p> <p>12 Mike Maddox had told them -- they were</p> <p>13 doing their own investigation, so -- and</p> <p>14 they asked me did I know of anything, you</p> <p>15 know, while I was working there, why was</p> <p>16 there never any dates on there. And, you</p> <p>17 know, so that's how I became involved;</p> <p>18 they contacted me.</p> <p>19 Q. And so you gave them an interview?</p> <p>20 A. I only talked to them on the telephone.</p> <p>21 Q. Did they ask to meet with you in person?</p> <p>22 A. No.</p> <p>23 Q. Never?</p>	<p style="text-align: right;">Page 124</p> <p>1 issues like that. So they knew each other</p> <p>2 from working in law enforcement, so he</p> <p>3 asked him was there anything I was</p> <p>4 involved in that Hyundai had to be</p> <p>5 concerned, and Mike Reeder (phonetic) said</p> <p>6 no, it's just some information that was --</p> <p>7 you know, just getting some clarification</p> <p>8 on some information that was turned over</p> <p>9 to us by Medicaid. No, she has nothing to</p> <p>10 do with it; it was just she worked there</p> <p>11 on a temporary assignment and we need to</p> <p>12 ask her some questions. And I was</p> <p>13 contacted by General Affairs.</p> <p>14 Q. Okay. And so they got you to go meet with</p> <p>15 Mike -- is it Reeder or Roeder?</p> <p>16 A. I think it was -- I thought his name was</p> <p>17 Mike Roeder or -- Roeder, R-O-E-D-E-R,</p> <p>18 something like that.</p> <p>19 Q. Okay. And did you meet with him there at</p> <p>20 Hyundai?</p> <p>21 A. He called me on the phone after I got</p> <p>22 through talking to General Affairs, and</p> <p>23 they told me that he had explained to them</p>
<p style="text-align: right;">Page 123</p> <p>1 A. No. They just told -- my understanding</p> <p>2 is, is that later, I had a message from</p> <p>3 Mike Roeder, leaving a message on my -- at</p> <p>4 home for me to contact him regarding some</p> <p>5 information that the State of Alabama had</p> <p>6 turned over to them. So --</p> <p>7 Q. Mike Roeder?</p> <p>8 A. He was an assistant to Gerry Shockley. I</p> <p>9 never met him. He worked in the attorney</p> <p>10 general's office. All I know, he was</p> <p>11 retiring in a couple of days after I met</p> <p>12 him and talked with him.</p> <p>13 Q. So you met with Mike Roeder?</p> <p>14 A. Uh-huh, because Mike went my job. Felicia</p> <p>15 gave him my name to contact and gave</p> <p>16 Chasely Weeks to contact. Well, he</p> <p>17 contacted me at Hyundai. He went through</p> <p>18 General Affairs and he talked to Larry --</p> <p>19 one of the guys used to be chief of police</p> <p>20 here, who has actually worked -- who is</p> <p>21 actually over General Affairs at Hyundai.</p> <p>22 And in order to get to me, you have to go</p> <p>23 through General Affairs on any kind of</p>	<p style="text-align: right;">Page 125</p> <p>1 that, no, there was nothing that I was</p> <p>2 involved in or anything like that and he</p> <p>3 just had some questions about my previous</p> <p>4 employment. So I spoke to him that night.</p> <p>5 And I said, well, I go to lunch at 11</p> <p>6 o'clock, you know; I'd be more than happy</p> <p>7 to meet you at the gate at 11 o'clock.</p> <p>8 The day we met -- which I don't</p> <p>9 remember -- which all the information was</p> <p>10 given to Hyundai General Affairs. So he</p> <p>11 and I -- I met him at the gate. We went</p> <p>12 to Subway, and we were there for like 30,</p> <p>13 35 minutes. He pulled out this long</p> <p>14 sheet. He told me that Medicaid has found</p> <p>15 -- Mike said found something with a</p> <p>16 discrepancy; there wasn't no dates. And</p> <p>17 it was dated back in 2002. And I said, I</p> <p>18 wasn't there in 2002 at all. I said, I</p> <p>19 know nothing about this. It's a whole</p> <p>20 long sheet of paper with a whole lot of</p> <p>21 names on it, several pages. And I said, I</p> <p>22 don't know anything about that. And I</p> <p>23 said, I just moved here in March of 2004,</p>

32 (Pages 122 to 125)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 126</p> <p>1 and I started working temporary with them 2 in 2004. And I said, the only thing I can 3 remember is lately -- in May and June, it 4 was just, you know, some prescriptions 5 didn't have any dates on them --</p> <p>6 Q. Referring to the two we've talked about?</p> <p>7 A. Yeah. And I said, as there was some 8 discrepancy in the quotes, because Jerry 9 Sanders kept calling saying that they keep 10 sending him the same quotes for the 11 wheelchair. He needed three, and he kept 12 calling me and asking me, we need another 13 quote; we need another quote. And I said, 14 as far as before I got there -- when I 15 first started there, there was a stack of 16 charts that was on the desk. And Emily 17 said, well, these were the charts that we 18 caught Chasely trying to take out to give 19 to Medicaid because she was trying to get 20 them in trouble. So they were sitting 21 there, and I never worked on those.</p> <p>22 Q. You just lost me on that one.</p> <p>23 A. Mike Reeder said that -- or Roeder said</p>	<p style="text-align: right;">Page 128</p> <p>1 -- I think we discussed the one about the 2 strap that was not on Robert -- his name 3 was Robert -- and then the one that they 4 were being sued with Jerry Sanders -- I 5 mean Jerry Rogers was involved in that, 6 about -- the one that National Seating was 7 being sued and that child didn't have a 8 strap on him. And then -- like I said, 9 Jerry Rogers was involved in that because 10 -- and Don -- this was coming out of Don's 11 mouth, because I -- the sheriff's 12 department delivered me the papers to sign 13 for the -- that they were suing them, and 14 I had to sign for them. It was a 15 subpoena, whatever it was, and I had to 16 sign for them; Emily wasn't in the office. 17 Don came in later and I handed it to him. 18 He opened it up, and he said -- I'm 19 standing there with him and we were 20 reading it together. It was -- I think 21 the child's name was Coby. I can remember 22 his first name being Coby. And his 23 parents were suing them because he fell</p>
<p style="text-align: right;">Page 127</p> <p>1 that Medicaid turned over an investigation 2 to their office to look into and that they 3 had been having National Seating under an 4 investigation for about a year. That was 5 told to me. So he asked me do I know of 6 any people on this -- he had a list of 7 people several pages -- four or five, I 8 don't know, maybe eight pages -- a whole 9 lot of people dating back to 2002. I 10 said, I was not here in 2002; I just moved 11 here in 2004, so I know nothing about 12 anything. So he showed an amount on a 13 piece of paper that they had billed, what 14 they had billed from 2002 up until 2004 15 that Medicaid had paid out to National 16 Seating. I said, I don't know anything 17 about that or these people back during 18 this date. I said, I just started working 19 there in 2004. And I said, only thing I 20 know I can recall is -- we discussed 21 prescriptions; we discussed some quotes 22 not being provided by three different 23 people who do the wheelchairs. And I said</p>	<p style="text-align: right;">Page 129</p> <p>1 out of his wheelchair. He didn't have a 2 strap on it, and I think he cracked his 3 skull or something of that nature. And 4 Emily said that there was a strap that was 5 put on him when she delivered his chair in 6 Children's Rehab Center and that Jerry 7 Rogers was there, and Jerry Rogers was not 8 there.</p> <p>9 Q. You don't have any personal knowledge 10 about this strap issue, do you? Just 11 receiving the suit papers, that's it?</p> <p>12 A. And Don opening it up and we both were 13 reading it.</p> <p>14 Q. And you said that you said to Roeder or 15 Reeder or however you pronounce his name, 16 I don't know anything; the only thing I 17 can recall are those prescriptions that 18 didn't have the dates, which are those two 19 we've already talked about?</p> <p>20 A. Yes.</p> <p>21 Q. And then those things where you needed 22 three quotes but you didn't have three 23 quotes?</p>

33 (Pages 126 to 129)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 130	Page 132
<p>1 A. And I was -- several times that happened. 2 And like I said, just -- and then there 3 were some progress notes that were out of 4 date, so they needed new progress notes, 5 so I sent them like they were. When I 6 asked about the information and I couldn't 7 get it, I sent them like they were before 8 it would get to EDS and they would send 9 them back.</p> <p>10 Q. And then what happened?</p> <p>11 A. Either you get that information or you -- 12 you either have to write it off or you 13 have to do whatever. I don't know what 14 they did.</p> <p>15 Q. You don't know what happened after that?</p> <p>16 A. No.</p> <p>17 Q. And you told all this to Roeder?</p> <p>18 A. He asked me how the format went. I said, 19 you have 60 days; after 60 days, if you 20 don't get that stuff in, then you have to 21 go back and assess that child. But you 22 have to have the correct dates on it.</p> <p>23 Q. Okay. And did you tell him that you had</p>	<p>1 and that was no dates. And then I did say 2 this to Mike, I remember, because some -- 3 you know, without even clarifying the 4 dates on there, there were a couple of 5 times when the date was not correct on 6 there and -- which I didn't even know 7 about it. Medicaid came back and said the 8 dates are not correct; you need to correct 9 the dates. And I had no idea; this was 10 stuff that Chasely had sent in. I said, 11 it all comes from Chasely; you need to 12 talk with Chasely.</p> <p>13 Q. And do you know whether Chasely was doing 14 this intentionally or if she was making 15 mistakes or --</p> <p>16 A. I have no idea.</p> <p>17 Q. Okay. And have you ever talked to 18 Chasely?</p> <p>19 A. I never met her before in my life.</p> <p>20 Q. You said that someone said that there was 21 a stack of files that you called the 22 Chasely files?</p> <p>23 A. Yeah. Emily called them the Chasely</p>
Page 131	Page 133
<p>1 information about National Seating being 2 involved in any type of Medicare fraud?</p> <p>3 A. Mike?</p> <p>4 Q. Yeah.</p> <p>5 A. I didn't even know they were involved in 6 any kind of Medicaid fraud. They 7 contacted me.</p> <p>8 Q. I understand. I mean, but did you say, I 9 know that National Seating did things that 10 are considered to be Medicare fraud or 11 Medicaid fraud or anything like that?</p> <p>12 MS. NICKSON: Object to the form.</p> <p>13 Q. Can you answer the question?</p> <p>14 A. Mike showed me papers and told me what -- 15 I know -- I just listened to Mike and told 16 Mike.</p> <p>17 Q. Okay. And that's what I'm asking you. 18 Mike was telling you what their 19 investigation showed. But you never said, 20 Mike, I know some things they did that 21 were wrong; let me tell you about them. 22 Did you ever?</p> <p>23 A. I just told him about those prescriptions,</p>	<p>1 files.</p> <p>2 Q. What were the Chasely files? Just orders 3 that had never been filled?</p> <p>4 A. She said Chasely was trying to get out of 5 National Seating with those files to take 6 them to Medicaid because Chasely -- she 7 said Chasely called Medicaid and told them 8 that there were billing errors on that and 9 she had evidence and she was going to take 10 it to them. Emily said that when I first 11 started there.</p> <p>12 Q. Emily pointed to a stack of files there at 13 the office?</p> <p>14 A. There was a stack of files in one corner 15 of the office.</p> <p>16 Q. How many files were there?</p> <p>17 A. It was a lot of files. I don't know. 18 They were just sitting there. And when I 19 first came there, I had to clean up the 20 office, file everybody's name into their 21 cabinet by the last names. So when I got 22 to those files, she said, don't touch 23 those files; those are Chasely's files.</p>

34 (Pages 130 to 133)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 134		Page 136
1 Q. Why were they being kept?		1 Q. Okay. What else did Emily tell you about
2 A. Why were they being kept?		2 Chasely?
3 Q. Yeah. Did she ever tell you that?		3 A. That Chasely was a smoker, that she was
4 A. Only thing Emily told me, those were the		4 stealing money out of their little box
5 files that Chasely was trying to take over		5 that -- you know, that little box; they
6 to Medicaid and that's why she was no		6 kept money in there so when people come in
7 longer working there. It wasn't for me to		7 and you have to pay Fed Ex or pay
8 know. I had no idea.		8 something like that, that little box, that
9 Q. Emily told you that she was let go because		9 she was taking the money out of there.
10 she tried to take files over to Medicaid?		10 They keep \$100 in there, but she was
11 A. Yeah. She was stealing.		11 stealing their money; that she had
12 Q. She was stealing?		12 collection people calling her all the time
13 A. Uh-huh.		13 at work. They went on and on.
14 Q. Is that a yes?		14 Q. Did you tell all this to Roeder or Reeder?
15 A. Yes.		15 A. I just said, you need to start with
16 Q. Did you ever look in those files?		16 Chasely.
17 A. Yes, I did.		17 Q. Did you tell Roeder about the Chasely
18 Q. What did you see?		18 files?
19 A. I just seen paperwork in them. I never --		19 A. No, because he had a whole list himself of
20 she told me don't worry about working on		20 things. I said he needs to start with
21 them, so I just looked in them so I can		21 Chasely. Those files -- those dates were
22 just put them in -- and just put them back		22 dated way back before I even came to
23 in the corner. I had just started there		23 Alabama.
Page 135		Page 137
1 when it happened, so I didn't know exactly		1 Q. This failure to have three quotes, are you
2 --		2 saying that if --
3 Q. So you looked in them, you saw paperwork		3 A. You have to have three estimates for a
4 in them, but you didn't look at them in		4 wheelchair.
5 any kind of depth?		5 Q. For every wheelchair that goes through --
6 A. No. I didn't know what she meant by those		6 A. For every wheelchair.
7 were files Chasely was trying to send over		7 Q. And sometimes there would not be three
8 to Medicaid. You know, she never -- she		8 quotations there or three estimates?
9 just told me Chasely tried to get them in		9 A. That's right.
10 trouble with those files.		10 Q. How often did that happen?
11 Q. Do you know how Chasely tried to get them		11 A. I don't know. Jerry Sanders called me.
12 in trouble with those files?		12 Q. Did you ever see it happen?
13 A. Chasely had called Medicaid, she said, and		13 A. Yeah, I saw it happen. In the chart there
14 told them that they were doing irregular,		14 would not be -- sometimes there would be
15 like, billing, and they had been		15 one estimate and it had been submitted,
16 questioned about that before. Yeah.		16 because they have to keep up with the
17 Q. Emily had told you that Chasely had called		17 first date it had ever been submitted.
18 Medicare?		18 And so -- and they said we need --
19 A. Had called Medicaid on them and tried to		19 Medicaid would send them back and say, we
20 report them and get them in trouble and		20 need these quotes. You can look from the
21 they had been questioned about that		21 date it had been submitted before and see
22 before. They had been under investigation		22 how long that file has been sitting out
23 with Medicaid because she called them.		23 there.

35 (Pages 134 to 137)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

Page 138	Page 140
<p>1 Q. Okay. And would someone get two more 2 quotes and submit it again?</p> <p>3 A. I didn't. Emily would have to get those 4 -- Don was responsible for working with 5 those -- getting those quotes.</p> <p>6 Q. So what Don did, you don't know?</p> <p>7 A. Don was supposed to get the quotes and 8 build those little chairs and have them 9 fixed before 60 days.</p> <p>10 Q. But on those cases where you didn't have 11 the three quotes, do you know what Don did 12 -- did he get the three quotes, is what 13 I'm asking you.</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. You just know that they came back 16 from Medicaid with a complaint that there 17 were not three quotes there?</p> <p>18 A. Yeah.</p> <p>19 Q. You would then hand those to Don, and what 20 he did with them, you don't know?</p> <p>21 A. I would hand them to Emily. Emily would 22 say, give it to Don.</p> <p>23 Q. And Emily was the branch manager, right?</p>	<p>1 who, you know, conducts -- you know, and 2 gets the business for them, go and check 3 out the child or whatever. And Don -- she 4 brings him back, you know, all these 5 orders, and then she gives them to me. 6 You've got to have -- Medicaid has a 7 formal sheet -- several formal sheets you 8 have to fill out because you have to use 9 modifiers for every billing -- it's like 10 billing codes you have to use for 11 miscellaneous, for the wheelchairs, for 12 like a part and whatever. And then -- I 13 would do it, but then she'll tell Don -- 14 first of all, she'll say, Don, we've got 15 this chair, blah, blah, blah, they go over 16 the chair business and stuff. I think I 17 was the last person to get it because Don 18 would look at all the information that was 19 wrote up about who did the assessment, the 20 social worker, and all that kind of stuff, 21 and then Emily would give it to me and 22 say, we need this and that and that and 23 that to be sent to Medicaid.</p>
Page 139	Page 141
<p>1 A. And Don was her husband.</p> <p>2 Q. And Don was the technician?</p> <p>3 A. Yeah.</p> <p>4 Q. Was technician a management position there 5 at the company or just an hourly position?</p> <p>6 A. I don't know how they got paid.</p> <p>7 Q. Okay. And your actual title while you 8 were working there was --</p> <p>9 A. Administrative assistant.</p> <p>10 Q. What was the chain of command, then?</p> <p>11 Emily was the branch manager.</p> <p>12 A. Danielle --</p> <p>13 Q. Of course, Danielle was in Nashville, 14 right?</p> <p>15 A. Yes. She comes down and she tells them, 16 okay, why is this still here, why is this 17 still here, what's going on with this and 18 that and that, blah, blah, blah.</p> <p>19 Q. She'll do like an audit kind of thing?</p> <p>20 A. Yeah. Danielle was the one who trained me 21 on the system, telling me what to look for 22 and everything like that. Emily, she goes 23 out to the rehab center, and she's the one</p>	<p>1 Q. Are you claiming that Danielle did 2 anything wrong?</p> <p>3 A. Did Danielle do anything wrong?</p> <p>4 Q. Uh-huh.</p> <p>5 A. I didn't ever say she did anything wrong. I only spoke to Danielle maybe three times since I've been there. She trained me the first week I was there. She'll call every now and then and say -- because she sees everything in the system, and sometimes she calls Medicaid and finds out what's going on with this chart or why haven't they gotten paid for this and that.</p> <p>14 Q. And you said that Emily goes out to the rehab centers; she meets with everybody's. The orders would come back to you, but before they came back to you, Emily and Don would get together and sort of look at the assessment and decide what kind of wheelchair was needed or --</p> <p>21 A. The wheelchair was decided before they left the Children Rehab Services.</p> <p>23 Q. Okay. So they would talk about what they</p>

36 (Pages 138 to 141)

MERRILL LEGAL SOULTIONS
Court Reporting*Legal Videography*Trial Services

<p style="text-align: right;">Page 142</p> <p>1 needed in order to build that wheelchair?</p> <p>2 A. Exactly.</p> <p>3 Q. Okay. And then you would be given the</p> <p>4 actual paperwork to fill out and submit to</p> <p>5 Medicaid?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. And if you saw discrepancies in the</p> <p>8 paperwork, you would talk to someone about</p> <p>9 it?</p> <p>10 A. The first time I ever noticed a</p> <p>11 discrepancy of anything was when they</p> <p>12 didn't have any dates on the prescription.</p> <p>13 Q. Okay. And --</p> <p>14 A. Other than that, there was other stuff</p> <p>15 that was coming back to them that Chasely</p> <p>16 had sent or -- I had no idea.</p> <p>17 Q. So as far as you know, you had two come</p> <p>18 back without dates on them, and then</p> <p>19 during the three months that you were</p> <p>20 there or less than three months that you</p> <p>21 were there, some came back from Medicaid</p> <p>22 that Chasely had filled out?</p> <p>23 A. Yes. Because when it comes back and I</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Did you consider Don to be your boss?</p> <p>2 A. Don was not my boss.</p> <p>3 Q. He was a coworker?</p> <p>4 A. Emily is who I report to.</p> <p>5 Q. Okay. So your boss was Emily. Was --</p> <p>6 A. And our boss was Danielle.</p> <p>7 Q. And did Don also report to Emily?</p> <p>8 A. I don't know. They were husband and wife.</p> <p>9 I think they kind of worked together.</p> <p>10 Q. I mean in the normal structure of the</p> <p>11 company, does the technician report to the</p> <p>12 branch manager?</p> <p>13 A. If it was a different situation -- if he</p> <p>14 wasn't her husband -- that's the way it's</p> <p>15 supposed to go.</p> <p>16 Q. You talked about these two wheelchairs</p> <p>17 that you said were there at National</p> <p>18 Seating but that Don had loaned out to</p> <p>19 friends?</p> <p>20 A. Don told me that. It was one that Sister</p> <p>21 -- some Sister --</p> <p>22 Q. Theresa?</p> <p>23 A. I don't know. -- kept calling about. And</p>
<p style="text-align: right;">Page 143</p> <p>1 asked Emily -- because sometimes Medicaid</p> <p>2 might not send those things back until two</p> <p>3 weeks later or something at the most --</p> <p>4 that depends on how quick they work them</p> <p>5 up. And then I would get it in the mail</p> <p>6 and I would see it. Emily would say, can</p> <p>7 you work on this; this is what Chasely had</p> <p>8 sent before. And that's how I would come</p> <p>9 involved.</p> <p>10 Q. Fixing the problems that existed in</p> <p>11 Chasely's orders?</p> <p>12 A. Yeah. Because, I mean, Emily had to tell</p> <p>13 everybody else that -- you know, to</p> <p>14 contact me for any information. That's</p> <p>15 how I was contacted by Jerry Sanders from</p> <p>16 Medicaid or anything of that nature. I</p> <p>17 mean, he called constantly needing this</p> <p>18 and needing that and that and that, which</p> <p>19 I had no idea at first where you get these</p> <p>20 things from. So all my information came</p> <p>21 from -- Danielle trained me on the system;</p> <p>22 Emily trained me on who -- you know, where</p> <p>23 all the stuff was at in their office.</p>	<p style="text-align: right;">Page 145</p> <p>1 actually, she was the one who actually --</p> <p>2 from what I understand and from what they</p> <p>3 told me, Don had told her that the</p> <p>4 wheelchair was there, and she called and</p> <p>5 did an investigation. She called</p> <p>6 Medicaid; Medicaid said that the chair had</p> <p>7 been delivered -- showed it had been</p> <p>8 delivered so many months ago, and it</p> <p>9 turned out that it was loaned to someone</p> <p>10 else, Don said -- in general, just</p> <p>11 talking. And Sister had called down to</p> <p>12 Nashville, and -- it was just a big</p> <p>13 discussion between them, and in the end,</p> <p>14 they didn't want to do business with each</p> <p>15 other.</p> <p>16 Q. Okay. Were there any others that you said</p> <p>17 were loaned out?</p> <p>18 A. I only know two that Don said.</p> <p>19 Q. Okay. And did you ever see those</p> <p>20 wheelchairs, or was it just -- these were</p> <p>21 conversations you overheard?</p> <p>22 A. It was conversation that Don told me. And</p> <p>23 the sister kept coming. And the sister</p>